



BERKELEY WATERFRONT SPECIFIC PLAN

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Berkeley residents share a common interest in the Waterfront which requires the enduring protection of this distinct and valuable natural resource. The shoreline ecology, the Waterfront's geographic prominence, its unique opportunities for bayfront related activities, and the social and cultural needs of the people of Berkeley require that the land be used with careful balance. As the last large undeveloped land area in the City, the Waterfront represents an important resource which must provide long term benefits to East Bay residents. Therefore, the City must protect, maintain, and enhance the quality of the bayfront environment and assure that balanced utilization and conservation of the Waterfront's resources reflect the public interest.

BERKELEY WATERFRONT SPECIFIC PLAN

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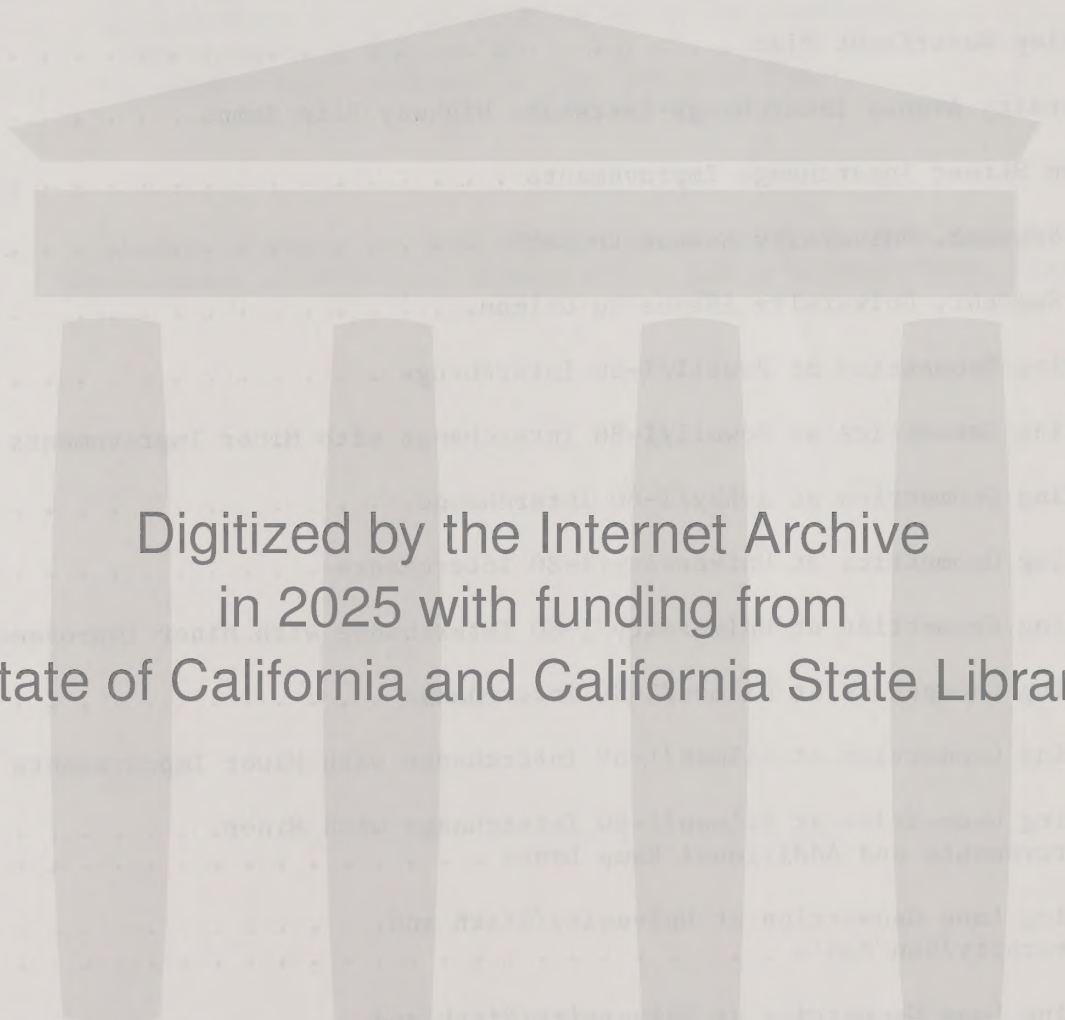
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INTRODUCTION

The Berkeley Waterfront as defined for this specific Plan consists of approximately 170 acres of privately held land and adjacent water areas bounded by the interstate 80 freeway on the east, the Berkeley Marina on the west, and the city limits of Albany and Emeryville on the north and south.

Under California law (Government Code Section 65450 et seq.), a city or county may use a specific plan to establish regulations, programs, and legislation to carry out that jurisdiction's general plan. (The City of Berkeley refers to its general plan as the Master Plan.) The law requires that a specific plan include text and diagrams addressing the distribution, location, and intensity of land uses, including open space, within the plan area; the distribution, location, and capacity of major infrastructure improvements, including transportation, sewage, stormwater drainage, solid waste disposal, and energy systems; standards and criteria for development and utilization of natural resources; and implementation measures, including capital improvements and financing mechanisms necessary to carry out the plan.

A specific plan provides an opportunity to translate the broad goals and policies of the Master Plan into a mechanism for controlling development. In the case of the Berkeley Waterfront, which is a large, undeveloped area under one ownership, which has been planned as a single unit and which has been the subject of an intensive planning program, a specific plan is particularly appropriate as a means of expressing a wide range of policy directives for development, and as a means of assuring integrated development of the entire area. A specific plan also helps the community to understand how the Master Plan will work. It describes requirements for review before development can occur in the Plan Implementation Section.

The Specific Plan contains the following sections:

1. Description of the Relationship Between the Specific Plan, General Plan, and Other Regulations.
2. Specific Plan Objectives and Policies.
3. Land Use/Open Space.
4. Circulation.
5. Utilities.
6. Community Design.
7. Plan Implementation.

Sections 2, 6, and 7 include objectives and policies that pertain to the entire waterfront area. Sections 3, 4, and 5 include policies and objectives that pertain to particular geographic areas and projects.

1. DESCRIPTION OF RELATIONSHIP BETWEEN SPECIFIC PLAN, GENERAL PLAN, AND OTHER REGULATIONS

The Berkeley Waterfront Specific Plan has been prepared as a means of implementing the amendment to the City's 1977 Master Plan for the waterfront area, which has been prepared concurrently. This amendment to the Master Plan has been adopted prior to the action on this Specific Plan, with the intent of using the Specific Plan as the implementation mechanism for Master Plan policies. Therefore, the Specific Plan is designed to be directly and completely consistent with the City of Berkeley's General Plan (Master Plan).

Section 65455 of the Government Code requires that once a specific plan has been adopted, no local public works project, tentative subdivision map, or zoning ordinance can be undertaken for the plan area that is in conflict with the specific plan.

The development standards set forth in this Specific Plan will not preempt municipal building or health and safety codes. No permit will be issued for development that does not meet the requirements of these regulations.

The Master Plan amendment for the Berkeley Waterfront contains goals and policies for each of the elements required for general plans under state law (California Government Code, Sections 65500 et seq.). That document, together with the background reports cited in the Appendix, contains the information on conditions, opportunities, and constraints from which the Master Plan policies and the implementing actions of this Specific Plan are derived. (See Section 7.5, Procedures for Amending Specific Plan.)

2. SPECIFIC PLAN OBJECTIVES AND POLICIES

The Master Plan amendment for the Berkeley waterfront sets forth the following goals:

1. Establish the Waterfront as an area primarily for recreation, open space and environmental uses, with preservation and enhancement of beaches, marshes, and other natural habitats.

2. Develop the Waterfront as part of a continuous East Bay shoreline open space system.

3. Provide for an appropriate amount of private development, to make the Waterfront part of Berkeley's vibrant urban community, attractive to and usable by Berkeleyans, neighboring Bay Area residents and other visitors.

4. In all types of development meet the needs of unemployed and under-employed Berkeley residents, in both construction and permanent jobs.

5. Establish uses and activities that reflect and enhance the unique character of the Waterfront location.

To accomplish these goals, as well as the policies in the elements of the Master Plan amendment, the Specific Plan establishes the following requirements for protection, enhancement, and development of the waterfront, which has been planned as a single area.

2.1. Land Use/Open Space Configuration

2.1.1. Develop a configuration of lodging, retail, and structured public uses along the freeway, as an integrated whole, the total amount of commercial development not to exceed 565,000 square feet, clustered in locations which make best use of the infrastructure and which offer best protection of environmental values.

2.1.2. Prohibit the development of offices (except for offices which directly support permitted uses), residential, and industrial uses (with the possible exception of a composting facility) on the waterfront.

2.1.3. Maintain the Brickyard, Central Meadow, and as much as possible of the East Meadow as open space. Evaluate the feasibility of acquisition of some or all portions, and determine in the permit process the appropriate requirements for dedications as conditions of approval.

2.1.4. Require dedication of a 100-foot band along the shoreline for public access purposes, with an additional building setback of up to 100 feet wherever possible.

2.1.5. Coordinate plans for continuous shoreline public access with the cities of Albany and Emeryville.

2.1.6. Provide access to the water for fishing and watersports in a variety of ways along the shoreline, including stairs, floating docks, and ramps to the water.

2.1.7. For windsurfing and boating areas, use short piers and floating docks close to parking areas for access to the water.

2.1.8. Provide access to the water's edge in fishing areas including the North Meadow shoreline, the beach along the South Frontage Road, and the area south of University Avenue along the South Basin.

2.1.9. Develop an improvement and maintenance plan funded from revenues available for park and recreation use to provide for maintaining the 100-foot shoreline access area. Include in the plan regular clean up and trash removal from the area, trail and walkway maintenance, and repair of support facilities and shoreline damage.

2.1.10. Develop a maintenance schedule for care of the Meadow and Brickyard areas if these areas become owned by the public. Major service needs include trail maintenance, litter removal, safety and security services, and facility repair. Use drought-tolerant landscaping on the Meadow and Brickyard to reduce the need for landscape irrigation and plant maintenance.

2.1.11. Prepare detailed plans for open space and recreation uses in the Meadow and Brickyard if these areas become owned by the public, in coordination with plans for North Waterfront Park.

2.1.12. If archaeological materials are encountered during grading, cutting, or filling operations, work should stop and materials should not be altered until an archaeologist and Native American observer have evaluated the find.

2.2. Environmental Protection

2.2.1. Biological Resources

1. Prohibit development on wetlands or on tidal or marsh habitats.

2. Prohibit filling of the Bay for any purpose, except for development of Berkeley Beach south of the Brickyard, or small amounts of fill required for shoreline improvements for public areas stabilization.

3. If any public or private development is likely to have adverse impacts on wetlands, tidal, or marsh habitats, require that these impacts be mitigated within the waterfront area as close as possible to the impact location, to protect and enhance the type of habitat being affected.

4. Since riprap adversely affects the scenic and habitat value of the intertidal zone, minimize its use and maximize the use of natural forms of coastal protection.

5. Enhance the value of the seasonal ponds by increasing the amount of time that water is present in the ponds. This can be accomplished by sealing the bottom of the ponds with an impermeable material to prevent the loss of water to infiltration in the soil. This can also be accomplished by deliberately adding water to the ponds throughout the winter and spring months.

6. Replace seasonal ponds lost to any type of development by an equal amount of new seasonal pond. New ponds should be excavated to the selected depth, lined with an impermeable material, and seeded with the same mix of herbaceous plant species found in the existing ponds.

7. Conduct a detailed hydrologic study to determine how to improve the habitat value of the creeks. This could possibly be done by creating a gradient to the streams, which would then drain down toward the Bay. This would require installing a small check dam or wler on the creek where it emerges from its culvert, which could potentially place the upstream end of the creek above the tidal range and allow for the establishment of some willow and other salt tolerant riparian species along its upper banks. The lower reach of the creek would likely remain as a tidal channel. A problem could develop if the upstream end of the ponded area is underground and became clogged due to the build-up of sediment. The hydrologic study should indicate how this could be prevented.

8. Locate walkways around the margins of open space areas to create the largest possible blocks of undisturbed habitat. Locate shoreline area path systems along the water's edge with the interior area retained as restored habitat. Allow no more than one pedestrian path across the Meadow (in the center in a north-south direction), which can be closed during periods of highest water bird use on the seasonal ponds.

9. Establish any creeks which are daylighted in corridors approximately 200 feet wide to create sufficient habitat value. The creek corridor should have a permanent channel and gently sloping banks (approximately 5:1) up to the level of the surrounding fill to allow for the establishment of salt marsh vegetation where the creek is tidal and the establishment of salt tolerant riparian species (such as arroyo willow) above the tidal range.

10. Use drought resistant plants emphasizing native species in the landscaping of all open space areas. Suitable plant species grow in the coastal prairie and coastal scrub habitat types. Plant large stands to create suitable wildlife habitat. Use a variety of plant species in each stand or area to create habitat diversity, and avoid large areas covered by a single species.

11. Plant cordgrass in the Brickyard Cove mudflat by setting plugs (rooted plants) into the mudflat. Survey the mudflat to determine surface elevations to establish the area suitable for planting cordgrass.

2.2.2. Hydrology

1. Design grading to provide for constant positive drainage away from structures and off-site. Exaggerate the grading design to account for expected long-term settlement.

2. Do not connect on-site storm drain systems to the existing storm drain infrastructure and outfalls. Establish an adequately sized on-site system of catch basins and pipes to convey storm runoff directly to the Bay via new outfalls.

3. Placement on the site for buildings and other development should be above anticipated 100-year flood levels, taking into account fill settlement. Consider construction of perimeter levees at elevations equal to the anticipated 500-year flood levels. Address projected long-term sea level increases in all on-site flood control planning.

4. Require the developer to construct all storm drain system improvements to serve private development in the waterfront area.

5. Require addition of all new lines located in City roadway rights-of-way, or place them within a 75-foot wide utility easement adjacent to the freeway.

2.2.3. Water Quality

1. Establish the following on-site measures to control pollutants dispersed to the Bay:

- * Regular sweeping and cleaning of streets, parking areas, and catch basins;
- * Public education to minimize littering and encourage proper disposal of animal wastes;
- * Landscaping with native vegetation requiring minimum maintenance and application of fertilizers and pesticides;
- * Porous pavement designed to promote a high rate of infiltration and biodegradation; and
- * Greenbelt areas to catch runoff and encourage percolation and biodegradation.

2. Prioritize and accelerate improvements to areas of the community sanitary sewer system which have been identified and targeted for rehabilitation by the East Bay Infiltration/Inflow Correction Program.

3. Refer to the Regional Water Quality Control Board for review all proposed development plans to determine the need for leachate control mitigation. These mitigations could include construction of impermeable barriers, for the leachate seeps, and installation of a leachate control system.

4. Refer all creek daylighting plans to the Regional Water Quality Control Board for review.

2.2.4. Climate and Air Quality

1. Reduce short-term impacts from construction dust, heavy equipment exhaust, and traffic congestion due to detouring during construction. Mitigations include activities such as dust suppression measures, watering the site prior to grading, frequent street sweeping and watering during project construction, and early paving or chip-sealing of unpaved surfaces to minimize vehicle travel on dirt roads. Dust controls for project construction should meet the fugitive dust and nuisance rules of the Bay Area Air Quality Management District.

2. Control combustion emissions by requiring frequent maintenance of construction vehicles and equipment.

3. Designate construction haul routes.

4. Because of the persistent west winds, align buildings in an east-west orientation with windbreaks to the west, forming interior corridors and courts that are sheltered yet exposed to the south for sunlight. To minimize cool air, locate doorways on the east or interior side of the building. Include dense trees and shrubs that serve as windbreaks.

5. Reduce impacts on regional emissions through diverting as much traffic as possible from single-passenger modes to multiple-occupant vehicles or through eliminating as many trips as possible. The transportation systems management (TSM) approach to air quality impact mitigation would be the most effective means to reduce development impact. TSM measures and methods of implementation are discussed in the Circulation section.

2.2.5. Noise

1. Locate uses which are relatively noise-sensitive, such as passive open space, where noise impacts from the freeway would be lowest.

2. Cluster uses which are less noise-sensitive (commercial, sports facilities, playgrounds) where freeway noise impacts would be greater, buffering the more noise-sensitive uses where possible.

3. When uses are in locations with high noise impacts, mitigate these impacts with intervening buildings, sound walls, or acoustical treatment of structures.

4. Set back the hotel and conference center to the projected 70-dba noise contour (at least 214 feet from the center line of I-80) and incorporate structural noise controls into the project design to ensure that interior noise levels of 45-dba (CNEL) are achieved. Set back other commercial development to at least the projected 75-dba (CNEL) noise contour (107 feet from the centerline). Additional structural noise controls for these uses should be included if they are located between the 70 and 75-dba noise contours. Protect recreation uses proposed in the Brickyard and Berkeley Beach areas from excessively high noise levels by a noise wall or berm along I-80.

5. Consider use of noise walls or berms along the perimeter of the Meadow area to provide both wind screening and noise abatement.

6. Provide sufficient separation and landscaping between the Meadow and commercial development in the North Basin Strip to minimize potential disturbance from noise generated by adjacent commercial activities.

2.3. Phasing of Development

The waterfront Plan recognizes that a portion of the site is under lease to the Pacific Racing Association until the year 1997. The Plan further identifies areas within the currently leased section as preferable for development, in order to keep development off the environmentally sensitive East Meadow. Development will only be permitted on the East Meadow to the extent permitted by Section 3.4.3. Phase I of the plan, as shown on Figure 1, is the portion of the North Basin strip and East Meadow between Jones Street and the University Avenue interchange. Phase II is the area north of Jones Street.

2.3.1. Allow only the amount and type of development that will not exceed traffic level of service "D" on the Waterfront site and at the intersections of Gilman, University, Ashby, Sixth, and San Pablo in Berkeley.

2.3.2. Take into account existing, approved, and proposed development in Albany and Emeryville in determining traffic capacity for Berkeley waterfront development.

2.3.3. Require the developer to finance on- and off-site circulation improvements that will assure level of service "D", to the extent that development takes place before completion of improvements by Caltrans and subsequently to the extent that these improvements do not attain this level of service.

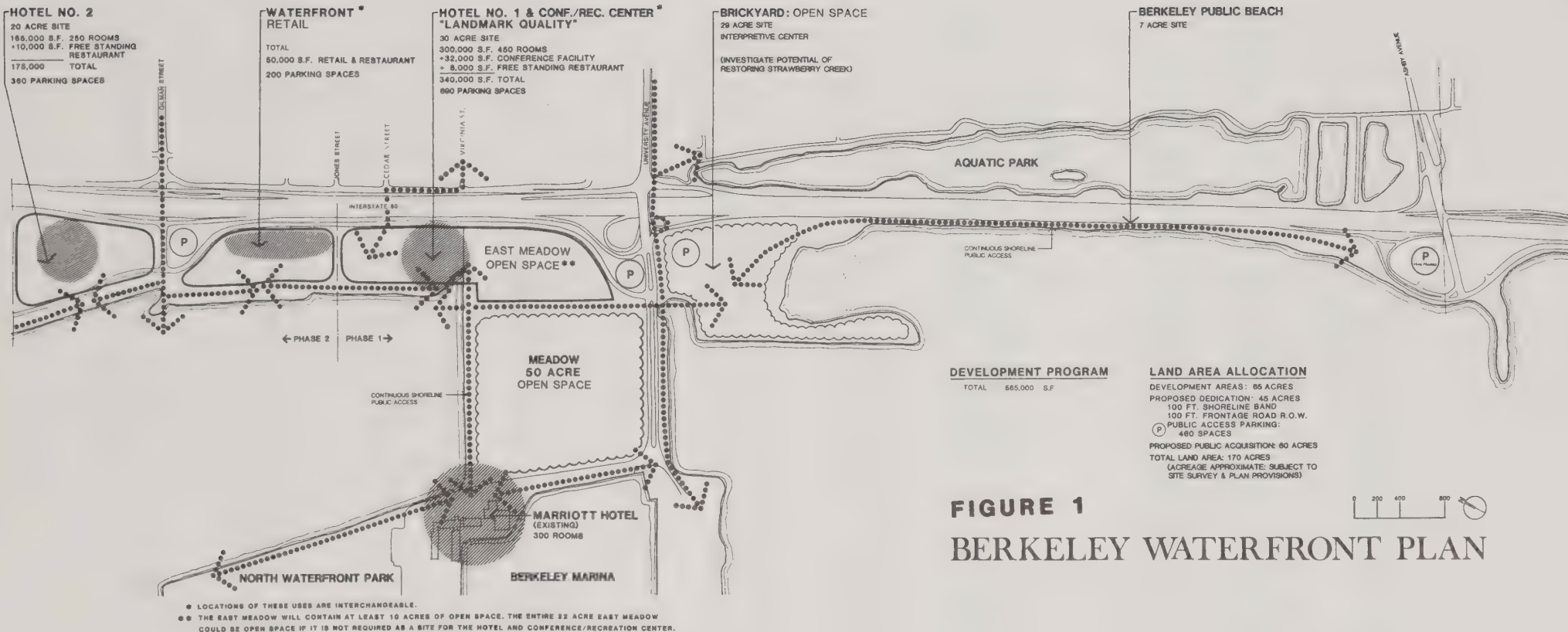


FIGURE 1
BERKELEY WATERFRONT PLAN

2.3.4. Work with the cities of Albany and Emeryville to establish a joint sub-regional growth management system to minimize the impacts of traffic congestion through phased development.

2.3.5. Work with State of California officials to encourage the adoption of legislation which will establish effective regional planning and implementation to deal with Bay Area transportation needs.

2.3.6. Use appropriate mechanisms available to the City to facilitate location of development in the North Basin Strip and out of the East Meadow.

2.4. Social and Economic Policies

2.4.1. Target construction and permanent jobs generated by development on the Waterfront to Berkeley residents, especially the unemployed and underemployed, through first source hiring agreements between the landowner and the City.

2.4.2. Provide for mitigation of adverse impacts on the supply of affordable housing from Waterfront development, through agreements between the developer and the City.

2.4.3. Assure that all private and public development at the waterfront reflects the cultural and economic diversity of Berkeley residents and meets their needs, and attracts people of all ages, income levels, cultures, and levels of ability.

2.4.4. Require that hotel developers include accommodations that are affordable to low- and moderate-income travelers, either within the building or elsewhere on the Waterfront.

2.4.5. Require developers to contribute to costs of transportation, child care, office infrastructure, and art, through agreements between the developer and the City.

2.4.6. Require Waterfront developers to contact the City's Affirmative Action Officer to obtain a list of minority construction contractors in order to include these contractors in the contractor recruitment process. Incorporate goals targeted in the statement of Affirmative Action into the contractor recruitment process.

2.4.7. In an effort to employ Berkeley residents and minorities, provide space at the waterfront for an employment development office which could be made available to community agencies which conduct job development programs. Notify all tenants of the employment office by the project developer.

2.4.8. Phase new development to allow time to increase housing supply and to reduce pressures on the cost of housing in Berkeley.

2.5. Safety Requirements

2.5.1 Geology and Soils

1. Require a site-specific geotechnical engineering investigation for each proposed project as a condition of issuance of Master Development Plans, Use Permits, or Zoning Permits. Each investigation should contain adequate subsurface exploration and analysis to determine short and long magnitudes and characteristics, and potential for seismic ground failure (including liquefaction). Each investigation should contain detailed foundation recommendations and should be subject to review by the City or a consultant retained by the City.

2. Require developers to contract with an expert in earthquake engineering to review independently seismic design of fills, foundations, and structures, and to monitor construction to ensure that the project employs the best seismic methods currently available. Project structures should be designed to withstand seismic shaking from the largest reasonably expected event on the San Andreas or Hayward Faults.

3. To reduce the risk of property damage and injury caused by seismically induced slope failure, prohibit structures in the zone of potential severe seismic deformation depicted in Figure 9 of the Master Plan Amendment. Setbacks and foundation design adjacent to this zone should be determined by a detailed site-specific engineering analysis. Seismic analysis, based on subsurface data, should include dynamic site response analysis to account for earthquake loading, maximum accelerations, site period and repeatable accelerations, and numerical slope stability analysis to assess the amount and location of expected deformations.

4. Require filling to raise the grade of low-lying areas, elevating the first usable floor of structures, raising the elevation of perimeter levees, or a combination of these methods to reduce tsunami flood hazards to insignificant levels throughout the Meadow and North Basin Strip. Post notices in low-lying recreational areas regarding evacuation when the National Oceanic and Atmospheric Administration issues a tsunamic warning.

5. Require installation of passive or active vents (vacuum pumps) for methane gas for buildings in the Meadow and North Basin Strip and other locations where significant amounts of methane gas are detected in the future. The site-specific engineering investigation should include field tests for methane where buildings are proposed in the Meadow and North Basin Strip.

6. Design parking areas with permeable paving wherever possible to allow methane gas to escape. Such surfaces could consist of porous asphalt pavement or concrete blocks integrated with vegetation.

7. Reduce refuse fill compression and settlement in areas proposed for structures by placing approximately five feet of fill on these areas six months to one year prior to site development. Placement of fill prior

to development to reduce Bay mud settlement would take longer, depending on the thickness of the mud. The quantities, locations, and timing of such temporary fills should be determined by the site-specific geotechnical investigation, subject to review by the City.

8. Make available on-site facilities for potable water and electric power generation, in addition to the medical, fire and police services, recommended in the Public Services section, at the Waterfront in the event that services and road access are temporarily disrupted by a major earthquake. Water storage facilities and back-up electric generators should be included in development plans for major structures and should have adequate size and capacity to serve the expected maximum amount of users who could be on the site any given time.

9. Require developers to designate an "earthquake preparedness coordinator" for the waterfront site at the time any development plans are initially approved. The function of such a coordinator would depend on the level of development proposed for the site, but could include such tasks as making sure that emergency water, electric generators, and medical supplies are available at the site; that emergency evacuation routes are clearly marked for each structure; that trained emergency medical technicians are available; and that major structures such as hotels or conference centers have adequate plans and occasional drills for dealing with earthquake-related emergencies.

4.5.2. Police and Fire Protection

1. Require all new development plans to be reviewed with the City of Berkeley Police Department's Crime Prevention Office to ensure that building, lighting, design and landscape are designed to reduce crime potential.

2. Require all new developments in the waterfront area to be reviewed by the Fire Department, and incorporate fire and safety equipment and design measures into each project as deemed necessary by Fire Department fire protection personnel.

3. Station rescue company and fire suppression equipment, including necessary personnel, in the waterfront area during periods of high usage, such as on holidays or during special events. A cooperative and financial arrangement among all future users of the site, the City and Fire Department could be developed to finance this measure.

4. Develop an emergency response plan for the Waterfront, to include an information center, fire protection, medical care, as well as adequate shelter for personnel and equipment.

5. Clearly mark evacuation routes in the event of emergency, at Gilman Street, University Avenue, and Ashby Avenue.

6. Construct and maintain a clearly marked emergency vehicle access lane on all primary Waterfront thoroughfares.

3. LAND USE/OPEN SPACE

For purposes of organization and ease of reference, the Specific Plan establishes land use and open space requirements for the following sub-areas of the waterfront, as shown on Figure 1:

- Berkeley Beach Strip, 7 acres from the Emeryville city limits on the south to the Brickyard.
- Brickyard, 29 acres southwest of the University Avenue-Interstate 80 interchange.
- Central Meadow, 50 acres bounded by University Avenue on the south, the Frontage Road on the east, the Berkeley Marina on the west, and the North Basin shoreline band on the north.
- East Meadow/Phase 1 Planning Area, 30 acres bounded by the Interstate 80 Freeway on the east, University Avenue on the south, the Central Meadow open space on the west, and the extension of Cedar Street on the north. The East Meadow extends north only to Virginia Street.
- North Basin Strip, 25 acres bounded by the freeway on the east, the extension of Cedar Street on the south, the North Basin on the west, and Gilman Street on the north.
- Stables Area, 29 acres bounded by freeway on the east, Gilman Street on the south, the Bay on the west, and the Albany city limits on the north.
- South Basin, 291 acres of open water south of Virginia Street.
- North Basin, 214 acres of open water north of the extension of Virginia Street.

3.1. Berkeley Beach Strip

3.1.1. Close the Frontage Road from University Avenue to the Ashby Avenue southbound ramps. Retain accessibility for emergency vehicles in this area.

3.1.2. Require public dedication by the property owner of the entire area between the freeway right-of-way and the shoreline for public access purposes.

3.1.3. Stabilize the shoreline, by using riprap only when necessary, and encourage the development of a beach to absorb wave energy.

3.1.4. Develop pedestrian and bicycle paths along the shoreline.

3.1.5. If the area becomes publicly owned, plan for the development of a beach west of the present shoreline, provided that water quality meets necessary standards and that BDC permits can be obtained for any needed fill. Possible configurations include a beach with or without removal of all or part of the Brickyard Peninsula, which could be created by hydraulically mining sand from Ashby Shoal, or minor shoreline alterations to encourage faster natural sedimentations to create a tidal beach. Conduct further detailed engineering and hydrology studies to determine which method would be most feasible.

3.1.6. Permit no structures to be built in this area, except for those needed to support recreation uses, such as restrooms and changing rooms.

3.1.7. Improve the quality of mudflat and beach habitat along the beach zone.

3.1.8. Use native plants for landscaping the beach.

3.2. Brickyard

3.2.1. Require public dedication of the 100-foot shoreline band by the property owner, for public access purposes.

3.2.2. Maintain the remainder of the Brickyard as open space.

3.2.3. Permit development of a small interpretive center, with exhibits explaining the history and ecology of the East Bay shoreline, with maps showing public access, recreational facilities, and other information.

3.2.4. Allow no other structures in the Brickyard except for bathroom facilities (including changing rooms), benches, tables, fences, and windbreaks at appropriate locations.

3.2.5. Allow a total amount of not more than 5,000 square feet of development for the interpretive center.

3.2.6. Permit parking for this development in accordance with the standards in Table 1.

3.2.7. Allow a building height of no more than one story for all structures in the Brickyard.

3.2.8. Permit a parking lot with 160 spaces as close as possible to the University Avenue/Interstate 80 interchange, to accommodate other waterfront visitors.

3.2.9. Permit the Brickyard Cove to be established as a nature preserve and shorebird habitat. Retain and restore existing feeding grounds for shorebirds.

3.2.10. Remove riprap wherever possible, consistent with the need for shoreline stability, and the need to prevent leachate from entering the Bay.

3.2.11. Improve the quality of the mudflats and wetlands habitat east of the Brickyard Spit; protect these areas from impacts of nearby development.

3.2.12. Improve the quality of mudflats, wetlands, and beach habitat wherever possible.

TABLE 11

**BERKELEY WATERFRONT
PARKING REQUIREMENTS**

HOTEL/HOSTEL

- 1 space per room max.
- .8 spaces per room min.

CONFERENCE CENTER/INTERPRETIVE CENTER

- 1 space per 200 sf. min.
- 1 space per 165 sf. max. (maximize joint use of parking with adjacent development)

SPECIALTY RETAIL

- 2.5 spaces per 1000 sf.

RESTAURANT

- 1 space/50 sf. of seating area
- plus 1 space/400 sf. for remaining area

PUBLIC OPEN SPACE

- 4.6 spaces per acre (average)

3.3 Central Meadow (see also 2.2, Environmental Protection Policies)

3.3.1. Require public dedication of the 100-foot shoreline band by the property owner, for public access purposes.

3.3.2. Maintain the approximately 50-acre Central Meadow as open space.

3.3.3. Improve the shoreline for stabilization as required.

3.3.4. Allow no adverse development, grading, or paving in wetland habitat.

3.3.5. Require that any improvement produce a net increase in wetlands quantity and quality in order to promote the improvement of degraded wetlands.

3.3.6. If this area becomes publicly owned develop playing fields in the Central and west Meadow, away from seasonal ponds with greatest habitat value, consistent with the wetlands protection policy, provided that adequate space is provided for undeveloped open space, picnic areas, natural areas, and habitat areas.

3.3.7. Develop trails for bicycle and pedestrian access along the shoreline south of University Avenue, along the Virginia Street right-of-way, at the Marina, and on a north-south axis connecting the North Basin Strip with the Brickyard.

3.3.8. Allow no structures in the Meadow except for bathroom facilities (including changing rooms), benches, tables, fences, wind breaks at appropriate locations, and structures which are an integral part of playing fields. Not permitted are structures for indoor sports, bleachers, refreshment stands, and other uses not described above.

3.3.9. Allow no overnight accommodations in the Meadow.

3.3.10. If the Meadow becomes publicly owned, rebuild Marina Drive as part of the public recreation/open space development of the Meadow, with clustered parking screened by berms and landscaping.

3.3.11. Provide picnic areas adjacent to the South Basin.

3.4. East Meadow/Phase 1 Planning Area (including portion of North Basin Strip south of Jones Street). The square footage and acreage allowances on the East Meadow represent the maximum amounts of development which may be allowed in this area subject to the conditions in this section.

3.4.1. Require public dedication of the 100-foot shoreline band by the property owner, for public access purposes.

3.4.2. Maintain as open space as much of the East Meadow area as possible, immediately north of University Avenue, consistent with the integrity of the Phase 1 development program.

3.4.3. Provide for development of a hotel or other lodging, with a maximum of 450 rooms and 300,000 square feet. Outdoor recreation facilities which are part of the hotel, such as tennis courts, should be to the north of the hotel and near the freeway. The location for the hotel is north of the north boundary of the City easement at Virginia Street, unless the developer demonstrates that this location is not economically and legally feasible. However, the locations of the uses allowed in the East Meadow/Phase 1 Planning Area and the North Basin Strip are interchangeable. Investigate methods of facilitating the placement of development in the North Basin Strip and out of the East Meadow. If the landowner or developer demonstrates to the City's satisfaction that it is economically and legally infeasible to place all the development in a location north of Virginia Street (as extended westward), then the City may permit some of that development to be situated south of Virginia Street (as extended westward) provided: (1) that the amount of development (including structures and parking) located south of Virginia Street shall be kept to a minimum; (2) that any such development south of Virginia Street may occupy a site of no more than 12 acres of land; (3) that this development shall be located as far north and as far east on the Meadow as possible, and shall not encroach on that portion of Meadow which is west of the North Basin Strip shoreline, if that line were extended due south to University Avenue; and (4) that the above-described development may be allowed only if the landowner or developer establishes that any adverse environmental impacts, including, but not limited to, those described in the June 1986 draft Environmental Impact Report, including, but not limited to, traffic, geology, wetlands, and endangered species problems, will be satisfactorily solved or mitigated. Any adverse impacts on wetlands shall be mitigated on property within the Berkeley Waterfront.

3.4.4. Permit a conference center of up to 30,000 square feet as part of the hotel complex, including facilities which are available to and affordable by the community, facilities for the performing arts including rehearsal space and exhibition space for local artists.

3.4.5. Permit up to 8,000 square feet of restaurant(s) and food-related services as part of the hotel complex.

3.4.6. Permit development of parking lots with 150 spaces as close as possible to the University Avenue/Interstate 80 interchange, to accommodate Waterfront visitors.

3.4.7. Require design of all development to open onto adjacent open space and pedestrian/bicycle access routes.

3.4.8. Allow flexibility in the placement of these components of development.

3.4.9. Allow a total amount of commercial development in this area not to exceed approximately 338,000 square feet, including the uses described above.

3.4.10. Allow a height of one to two stories, with occasional heights of three stories, for all structures in this area.

3.4.11. Require the developer to open School House Creek in a natural configuration, consistent with Phase I development requirements.

3.4.12. Require that commercial structures be placed as close as possible to the new Waterfront Road set back from the shoreline.

3.5 North Basin Strip

3.5.1. Require public dedication by the property owner of the 100-foot shoreline band for public access purposes.

3.5.2. As part of the commercial program, require the developer to improve the 100-foot shoreline band north of Virginia Street to improve shoreline appearance, provide protection from flooding, and stabilize the shoreline against erosion.

3.5.3. Permit Waterfront-oriented retail uses, featuring restaurants and food-related outlets, serving a wide range of income groups and representing the City's ethnic and cultural diversity, and shops related to recreation, such as equipment rental and sales and supplies, provided that the total amount of retail uses does not exceed 50,000 square feet. The locations of this development are interchangeable with the locations of the permitted uses in the East Meadow/Phase I Planning Area.

3.5.4. Plan and locate development to allow for a youth hostel in this area.

3.5.5. Require parking spaces to serve this development in accordance with the standards in Table I.

3.5.6. Require that retail uses be located and organized to provide maximum integration of functional relationships with the Phase I hotel complex.

3.5.7. Require the retail uses to be located and designed so that they serve and create visual interest for the bicycle/pedestrian path along the shoreline.

3.5.8. Develop a bicycle/pedestrian path along the shoreline from Gilman Street to Virginia Street, connecting with the Virginia/Cedar Street Access route and with the route extending through the East Meadow to the Brickyard.

3.5.9. Allow a building height of one to two stories in this area.

3.5.10. Require commercial structures to be placed as close as possible to the new Waterfront Road, set back from the shoreline.

3.5.11. Require dedication of the Cedar Street right-of-way across the North Basin Strip to maintain a strong visual and physical connection between the water and the bicycle/pedestrian crossing.

3.6. Stables Area

3.6.1. Require public dedication by the property owner of the 100-foot shoreline band for public access purposes.

3.6.2. As part of the commercial program, require the developer to improve the 100-foot shoreline band to improve shoreline appearance, provide protection from flooding, and stabilize the shoreline against erosion.

3.6.3. Develop a shoreline pedestrian/bicycle path extending from Gilman Street to the City limits to connect with planned improvements in Albany, and connecting along the Gilman Street right-of-way to the east side of Interstate 80.

3.6.4. Allow a hotel or other lodging of up to 250 rooms, with approximately 165,000 square feet, in Phase II or when transportation capacity permits.

3.6.5. Allow approximately 10,000 square feet of restaurants and food related services as part of the hotel complex.

3.6.6. Require parking to serve this development, in accordance with the standards in Table 1.

3.6.7. Permit a parking lot with 150 spaces as close as possible to the Gilman Street/Interstate 80 interchange to accommodate Waterfront visitors.

3.6.8. Allow a maximum of approximately 175,000 square feet of commercial development in this area, including the uses described above.

3.6.9. Allow a height of one to two stories, with occasional heights of three stories, for all structures in this area.

3.6.10. Composting Operation

The northern end of the Stables Area is the only portion of the Waterfront that could be suitable for a composting operation. Between 8 and 12 acres could be provided for this use, depending upon uses to be established in adjacent areas of Albany, and depending upon public acquisition or negotiations with the property owner.

Inclusion of a composting facility would be generally consistent with goals of the Waterfront Plan to designate the Waterfront as an area primarily for recreational, open space, and ecological uses, since such an operation would be ecologically beneficial in recycling wastes and producing useful organic materials.

The following requirements would offset potential impacts of the composting operation:

1. Construct drainage areas so that leachate is contained on-site and does not enter adjacent surface waters. Refer compost operation drainage plans to the Regional Water Quality Control Board to make sure that water quality standards are met.
2. Require setbacks to provide a buffer for noise and dust generated by the composting facility, at least 600 feet for outdoor recreation, hotel, and view restaurants.
3. Provide visual screening of the compost yard by attractive fencing, which could also provide security, and by planting trees such as Monterey Cypress or Monterey Pine along the perimeter of the compost site.
4. Use mufflers on diesel engines that power compost grinders and other large machinery to reduce noise levels.
5. In locating the composting facility, take wind direction into account to minimize dust and odor impacts on adjacent uses. Potential compost sites located to the southwest and west-southwest of picnicking, hotel, or retail uses should be avoided.

3.7 South Basin

3.7.1. Continue to allow open water sports such as wind surfing and boating, with rentals to private organizations for necessary on-shore support facilities.

3.7.2. Collect detailed site-specific data on existing South Basin conditions (such as wave energy and transport energy). Use the results to provide specific beach design recommendations.

3.7.3. Undertake a water quality monitoring program to establish baseline water quality conditions along the shoreline in the South Basin.

Establish the parameters measured, sampling locations, and sampling frequencies in conjunction with the Regional Water Quality Control Board. The results of the monitoring program should be considered in the final decision regarding beach development. If the beach is developed, continue the water quality monitoring program on a regular basis to identify water quality changes and potential impacts to beach and water users.

3.7.4. Implement off-site pollution control measures (such as rehabilitation of sanitary sewer systems, improved street sweeping ordinances and public education to minimize the discharge of pollutants to storm drains) and on-site pollution control measures (such as street and parking area sweeping, use of porous pavement and greenbelts and public education) to improve the quality of water discharged to the Bay and minimize potential impacts to beneficial uses in the South Basin.

3.7.5. Encourage the development of aquaculture.

3.8 North Basin

3.8.1. Encourage sheltered water sports such as small boat launching and mooring (sailing, rowing, paddle, and sail-boating), with rentals to private organizations for necessary support facilities along the eastern shore of North Waterfront Park, provided environmental standards such as protection of the Bay from leachate can be met and provided this use is consistent with the City's Master Plan for North Waterfront Park. Investigate the need for and feasibility of dredging to make possible these activities.

3.8.2. Provide for the eventual development by a public agency in the future of piers along the alignment of Gilman Street extension for public viewing and fishing.

3.8.3. Undertake a monitoring program to establish baseline water quality and circulation conditions in the North Basin. Establish the parameters measured, sampling locations, and sample frequencies in conjunction with the Regional Water Quality Control Board. The results of the program should be used to verify the recommended location of the small boat center in the North Basin. If the small boat center is developed, continue the water quality monitoring program on a regular basis to identify water quality changes and potential impacts to small boat center users.

3.8.4. Implement off-site pollution control measures (such as rehabilitation of sanitary sewer systems, improved street sweeping ordinances and public education to minimize the discharge of pollutants to storm drains) and on-site pollution control measures (such as street and parking area sweeping, use of porous pavement and greenbelts and public education) to improve the quality of water discharged to the Bay and minimize potential impacts to beneficial uses in the North Basin.

3.8.5. Encourage the development of aquaculture.

4. CIRCULATION

The major components of the circulation element of the Waterfront Plan include: 1) modifications to the Interstate 80 freeway corridor; 2) improvements to the roadways, bicycle paths, and pedestrian routes at the waterfront; 3) modifications to the existing local transit service; and 4) short-term improvements by the developer.

4.1. Interstate 80 Modifications

CalTrans is preparing plans for improvements within Berkeley to the Interstate 80 freeway that include adding lanes to the freeway cross section; rebuilding all three interchanges at University Avenue, Gilman Street, and Ashby Street; providing a new, grade-separated bicycle/pedestrian facility within the University Avenue interchange; and adding sound wall barriers along the Aquatic Park frontage. The circulation element of the Waterfront Plan includes a number of modifications to these improvements to serve better the land use/open space element, reduce the traffic impacts from diversion of automobiles onto City streets during the peak period, and improve the bicycle and pedestrian connections between the Waterfront and the adjacent West Berkeley neighborhoods. (See Figures 2, 3, 4 and 5)

The following are recommended changes or additions to the CalTrans Interstate 80 Project in Berkeley. All projects would be CalTrans' responsibility except as otherwise noted.

4.1.1. Freeway Section Between Gilman and University

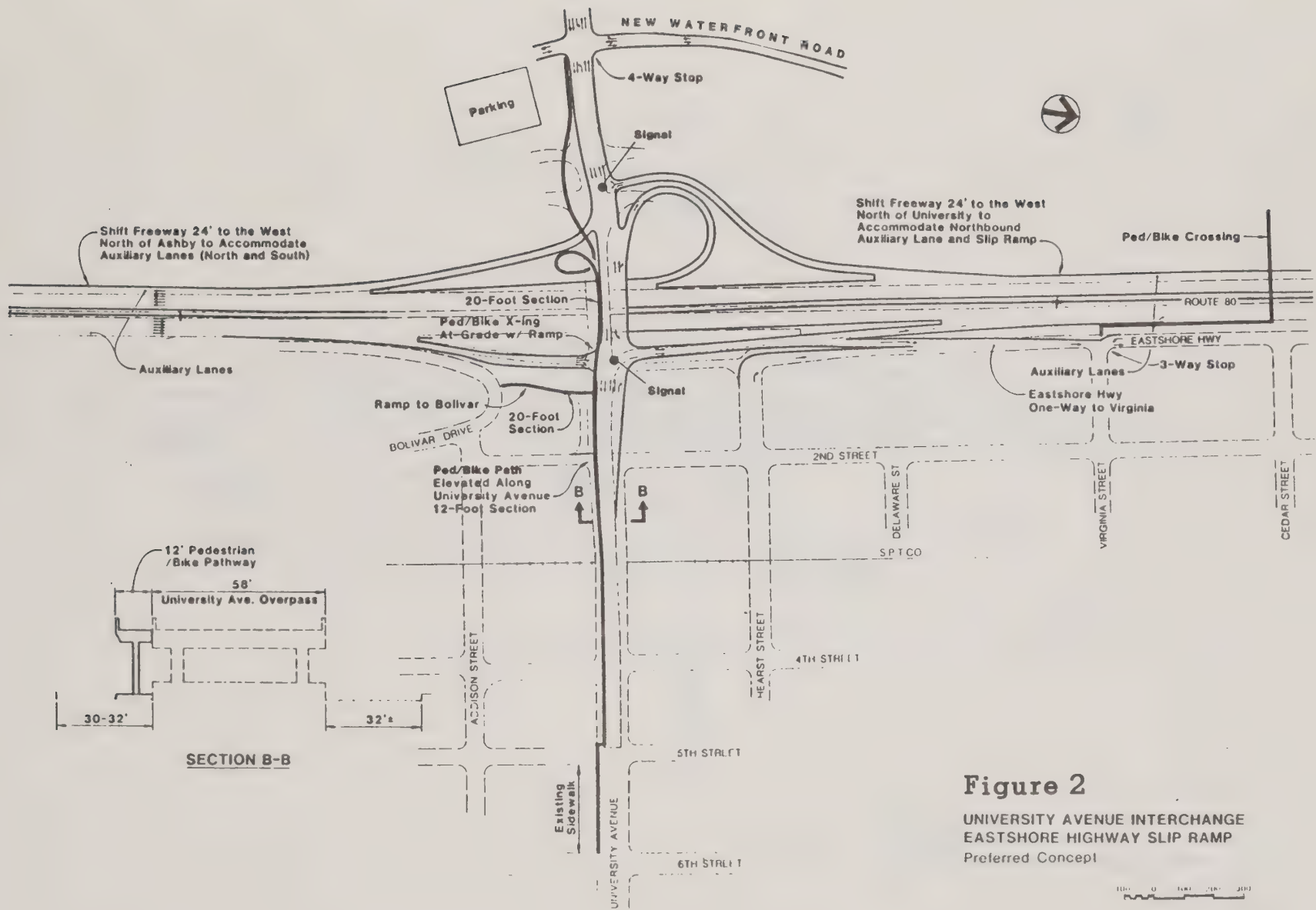
Study the feasibility and impacts of improving Interstate 80 to five freeway lanes each north and southbound, as recommended by CalTrans. Consider the addition of auxiliary lanes north and southbound only if needed to relieve congestion on local Berkeley streets, but not to encourage additional development on the Waterfront.

4.1.2. Freeway Section Between University and Ashby

Study the feasibility and impacts of improving Interstate 80 to five freeway lanes north and southbound as recommended by CalTrans. Consider the addition of auxiliary lanes north and southbound, if needed to relieve congestion on local Berkeley Streets, but not to encourage additional development on the waterfront.

Eliminate Bolivar Street adjacent to Interstate 80 and replace with a landscaped buffer and sound wall to mitigate the noise impacts of the freeway on Aquatic Park.

The West Frontage Road in this segment will be replaced with a minimum 10-foot wide landscaped buffer and a 12-foot wide, 2-way bicycle way



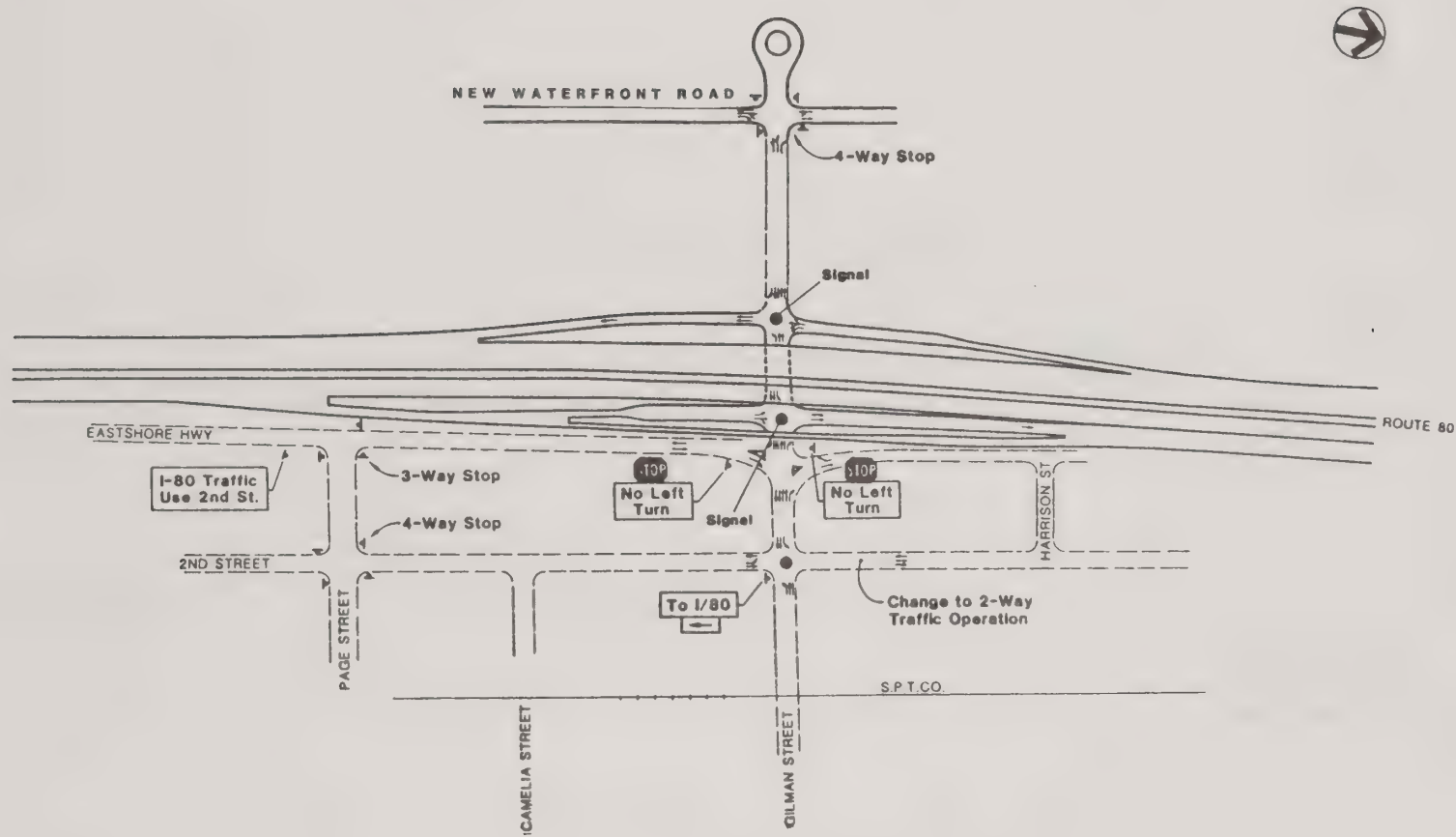
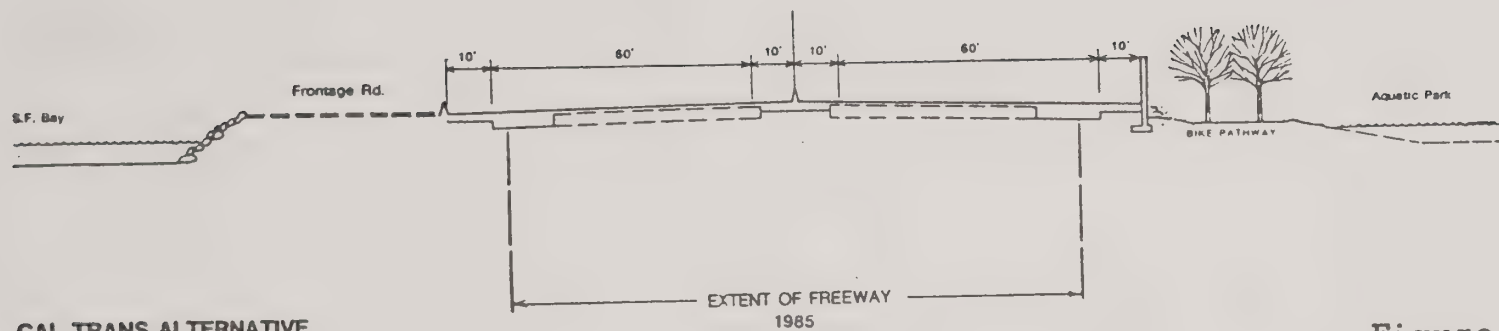


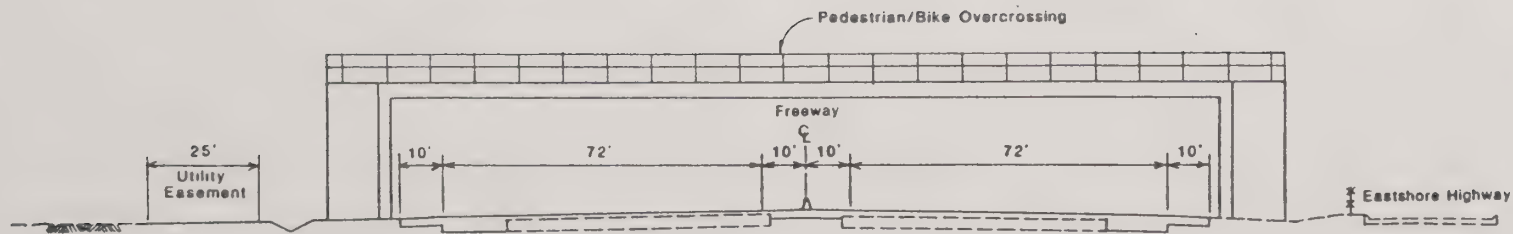
Figure 3
GILMAN STREET INTERCHANGE IMPROVEMENTS



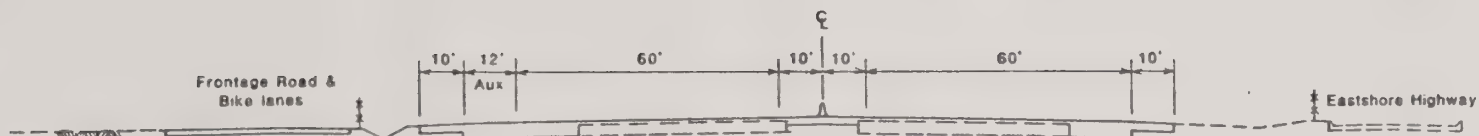


CAL TRANS ALTERNATIVE

Figure 4
I-80 Segment
Univ. Ave. to Ashby



PREFERRED CONCEPT
**VIRGINIA/CEDAR STREET
 CROSSING**



CAL TRANS ALTERNATIVE

Figure 5
 I-80 Segment
 Univ. Ave. to Gilman

accessible to service and emergency vehicles. Include a landscaped pedestrian promenade and beach in this segment, the width and configuration of which to be determined by the beach design selected. In order to accommodate these public access improvements, some Bay fill will be required.

4.1.3. University Avenue Interchange

The University Avenue Interchange should be designed to the highest standards of excellence, to express its role as the main entrance to the City of Berkeley and the Berkeley Waterfront.

Southbound: Replace the existing double loop with a single loop on-ramp from westbound University Avenue and a right turn diamond on-ramp for eastbound University and a southbound diamond off-ramp to University.

Northbound: Replace the northbound right-turn-only diamond ramps with a signalized diamond off-ramp which allows all turning movements and a northbound on-ramp with a slip-ramp that connects with northbound Interstate 80 and northbound Eastshore Highway, approximately 700 feet north of University Avenue. Design the ramp to provide for the northbound off-ramp traffic to cross University Avenue at the signalized intersection and continue north to Eastshore Highway.

Eastshore Highway: Convert Eastshore Highway from Hearst Street to Virginia Street from two-way to one-way northbound operation.

Freeway Centerline: In order to achieve the ramp configuration from northbound I-80 to Eastshore Highway, relocate the centerline of Interstate 80 approximately 24 feet westerly in the vicinity of Delaware Street.

Bicycle/Pedestrian Ramp (to Bolivar Drive): Construct a 20-foot wide, two-way bicycle/pedestrian facility between the intersection of University Avenue and the new Waterfront Road to Bolivar Drive at Aquatic Park. The path will go beneath the southbound freeway on-ramp, then hook up to University Avenue, cross the northbound off-ramp at grade under signal control, and connect with Bolivar Drive with a down-ramp.

Bicycle/Pedestrian Ramp (Bolivar Drive Ramp to Fifth Street): Construct a 12-foot wide, two-way bicycle/pedestrian facility on a new structure parallel to and south of the existing University Avenue structure between the ramp to Bolivar Drive and a Fifth Street touchdown.

University Avenue Frontage Road: To accommodate the 12-foot wide ramp facility along the south side of the University Avenue structure, from the Bolivar Drive ramp to Fifth Street, shift the existing traffic lane on the eastbound Frontage Road beneath University Avenue to the curb lane adjacent to the existing businesses. Street parking can be accommodated between the columns supporting the ramp structure between Second and Fourth Streets.

Eliminate all parking along the eastbound Frontage Road between Fourth Street and Fifth Street to accommodate the transition of the bicycle/pedestrian ramp to Fifth Street. At Fifth Street, the bicycle/pedestrian route will cross the eastbound University Avenue Frontage Road on-grade. Control traffic on the University Avenue frontage road by a stop sign at this point.

Virginia/Cedar Street Overcrossing: Construct a 12-foot wide, two-way bicycle/pedestrian facility between the West Berkeley neighborhood and the Waterfront. The design calls for a crossing of the freeway on the Cedar Street right-of-way with a touchdown ramp connecting to Virginia Street, providing continuity to the existing bicycle trail system. Control the intersection of Eastshore Highway and Virginia Street by a stop sign to facilitate the safe crossing of bicycles and pedestrians. On the Waterfront side, integrate the overcrossing with site grading to intercept the facility and provide a transition related to the surrounding open space improvements.

4.1.4. Ashby Avenue Interchange

Northbound: No changes are recommended to the CalTrans proposals.

Southbound: The elimination of Frontage Road north of the ramps will allow the realignment of the southbound freeway off/on ramps to connect directly with Ashby. This will eliminate one signalized intersection at the Ashby Avenue interchange, reducing congestion and delays.

Park and Ride Lot: Make the park and ride lot proposed by CalTrans accessible to recreational users on weekends and holidays.

4.1.5. Gilman Street Interchange

Make roadway improvements, street lighting improvements, restriping, and new directional signing in the vicinity of the Gilman Street interchange to improve the operating performance of the freeway and reduce impacts on the City's street network. Provide adequate directional signs for drivers who must detour.

Second Street: The City will study the conversion of Second Street between Gilman and Harrison to two-way operation, striped with two lanes northbound and one lane southbound to facilitate operations at the refuse center; signalization of the intersection of Gilman Street and Second Street, coordinated with the existing signal at Sixth and Gilman; and installation of a new four-way stop at Second Street and Page Street.

East Shore Highway: Restrict East Shore Highway at Gilman to right-turn out. Install a new three-way stop at East Shore Highway and Page Street.

Gilman Street: Resurface Gilman and widen to five lanes from Second Street to the new Waterfront Road, (four lanes plus left or right turn pockets at the major intersections); provide left turn pockets beneath the freeway overcrossing at Gilman street in addition to the four-lane section proposed by CalTrans to provide for left turns onto the freeway on-ramps. Signalize the off- and on-ramps east and west of the freeway at Gilman Street. Establish a new intersection with the new Waterfront Road at a distance of 500 feet west of the southbound freeway off-ramps.

4.2. Waterfront Circulation Network

The circulation network is intended to provide vehicular, bicycle, and pedestrian access to the presently undeveloped portions of the Waterfront. The circulation network will utilize many of the existing City-owned street rights-of-ways to achieve connections with the existing circulation network and provide for new continuous north-south shoreline access between Berkeley and its adjacent waterfront municipalities. The specific improvements included in the Waterfront circulation network are listed below:

4.2.1. Bicycle/Pedestrian Improvements

Continuous Shoreline Trails: Link shoreline access trails to the future trail system planned to extend around the perimeter of North Waterfront Park, along the Berkeley Pier shoreline, and through Shorebird Park to the South Basin. Design connections between these two trail systems at the northwestern corner of the Meadow and at the southeastern portion of the Meadow near the University Avenue entrance.

Provide vista points and benches as rest stops along trails. These should be free of barriers that restrict access to people with disabilities.

In wet areas or fragile habitats such as tidal mud flats at the Brickyard Cove, Strawberry Creek and Schoolhouse Creek outfalls, raise trail surfaces by construction of a boardwalk or footbridge. A trail should be graded or built up only if this will not damage fragile areas. At the Brickyard Cove and the Strawberry and Schoolhouse Creek outlets, boardwalks supported on piles or columns should be used to provide access to or across wet or fragile areas.

Begin trails at easily accessible points near parking areas, developed recreational areas, or Waterfront commercial centers. Provide at trailhead area restrooms, water, picnic areas, signs, and trash receptacles.

Prevent vehicles from entering trails by installing posts 18 inches apart, using walk-through stiles, or by bolting logs to the ground at the trail entrance. Vehicle barriers should not impede access to the disabled, however.

Use both hard-surfaced walkways (concrete or asphalt) and natural-surfaced trails to provide a variety of experiences along the Waterfront.

Use hard-surfaced trails to provide access between a parking or public transportation area and points of interest along the shoreline where use would be generally heavy, where a paved trail could reduce erosion and disturbance of vegetation adjacent to the walkway, and in areas where well-defined boundaries would be desirable. This would include boundaries that guide the visually and physically disabled, or provide distinct edges to an accessway in sensitive ecological areas.

If a moderately used trail would not present hazardous slick surfaces when wet or increase erosion problems, a natural surface would be preferable. Trail surfaces should be pitched slightly outward so that runoff can be drained off the trail.

In heavily used areas, provide both a paved and a natural-surface trail, separated by a vegetated area of at least three feet. Recommended width of paved walkways is five feet, allowing a person to walk alongside a wheelchair. For natural-surfaced trails, recommended width is three to four feet, although in special situations, such as a nature trail through a meadow, the trail may be up to eight feet wide for short distances to accommodate large study groups.

Provide benches, tables, and rest areas where walkways function as promenades. A two-foot setback is recommended for benches and tables along walkways.

Provide wheelstops at rest areas and along walkways for people in wheelchairs. Locate the stops at the edges and ends of walkways to provide a secure resting point and prevent wheelchairs from rolling into hazardous areas. Install curb ramps where accessibility to the disabled would be limited.

West Berkeley Connections: Provide connections to the West Berkeley neighborhood with pedestrian and bikeways at University Avenue, Gilman Street, Ashby Avenue, and at the proposed new bicycle/pedestrian crossing at Virginia /Cedar Street.

North Waterfront Park and Marina Connections: Provide bicycle/pedestrian connections to the City-owned Marina area by means of a new shoreline esplanade on the east edge of the Berkeley Marina and connections to the bicycle/pedestrian ways linking North Waterfront Park and Shorebird Park.

Emergency Access: Design all bicycle and pedestrian ways to accommodate emergency vehicles.

Handicapped Access: Design all pedestrian ways to be barrier free to promote use by the movement and visually impaired.

4.2.2. New Waterfront Road

Location and Section: Build a new Waterfront Road from the Phase II hotel development site at the present location of the Horse Barns to University Avenue, with one lane in each direction in an alignment as close as possible to the freeway. This will be the responsibility of the developer if Phase I development occurs before completion of Cal Trans I-80 improvements.

Extension: If desired by Albany, extend the new Waterfront Road north of the Phase II hotel site to connect with the roadway network in Albany.

Frontage Road: The existing frontage road between University Avenue to the southbound Interstate 80 off-ramp at Ashby will be eliminated.

Utility Easement: Maintain the existing frontage road right-of-way from University Avenue to Gilman Street as a minimum 25-foot wide utility easement.

Phase I Access: Locate a new intersection with University Avenue 400 feet west of the future southbound Interstate 80 off-ramp. This will be the developer's responsibility if Phase I development occurs before completion of Phase I CalTrans improvements.

4.2.3. University Avenue

Section: Reconstruct University Avenue between New Waterfront Road and Marina Drive. Design as a divided road with a minimum 16-foot wide landscaped median and a moving lane and one 12-foot side parking lane in each direction.

The University Avenue cross-section between the northbound ramps and new Waterfront Road should accommodate four travel lanes plus turn lanes at the intersections.

Round-About: Construct a new intersection at University Avenue and Marina Drive as a round-about. Provide for bus stop facilities.

4.3. Transit Improvements

The waterfront is presently served by the 51M AC Transit line with operating headways that range from 18 minutes to 30 minutes. Request AC Transit to modify existing service to enhance local transit access to the Waterfront, and to provide transit service to establishments along Gilman Street, and to the retail center at Fourth Street. Developer exactions should support the incremental cost of the extension to AC Transit.

4.3.1. Headways

Request AC Transit to operate headways on each route segment at approximately 36 minutes on weekday commutes, and hourly on weekends. This route split should have minimal impact on AC Transit operations since the route distance and travel time for 51P and 51WA are essentially the same as the existing 51M.

4.3.2. Transportation Systems Management

1. Enhanced Access to Transit:

Provide employees, hotel and conference center guests with access to a shuttle service between BART and the site.

Modify bus service provided by AC Transit to serve the hotels, retail shopping, and conference facility. Provide protected, lighted bus shelters to encourage ridership during inclement weather and winter months.

Make available bus passes and BART tickets for sale to employees on site. Display route and schedule information prominently in an appropriate location where employees congregate or report on a daily basis.

2. Increased Auto Occupancy:

Assign to the largest employer on the site the responsibility of transportation coordinator for not only its own employees, but those of small ancillary businesses.

Administer a carpool program by this transportation coordinator, matching potential drivers and riders from all the employers on the site.

3. Support Non-Automotive Modes:

Require major employers to provide a secure, lighted area for bicycle storage to encourage travel to and from work by bicycle. A locker and shower facility should be provided as well, so that bicyclists and those who run/walk to work may change into work clothes.

Include in the design of siting of buildings access for pedestrians and bicyclists. Link individual buildings or recreational areas to major access points by a system of well-marked paths and/or bikeways.

4. Market Commute Alternatives:

Actively market alternatives to driving alone, by the transportation coordinator. Include in employee communications information on these alternatives, and illustrate the cost advantages of ride sharing and transit use relative to auto ownership and operation. Designate a central location for posting and distribution of all transportation related information.

Conduct an annual survey of employee travel characteristics, identifying the residential locations of employees, travel mode, shift hours, travel time, and reasons for choice of a particular mode, coordinated with Berkeley TRIP. Use the survey results to improve ridesharing efforts, target potential candidates for supplemental information, and evaluate effectiveness of the overall travel reduction program on a yearly basis.

Evaluate the feasibility of staggered work hours for service workers in the hotel, conference, and food service facilities by the transportation coordinator. Flexible hours, if not already in effect, should be evaluated for management personnel.

5. Services for Visitors:

Provide van shuttle service to Oakland and San Francisco International Airports.

Provide by the hotel concierge or a similar facilitator printed schedules and other pertinent transportation information to guests, and generally promote the use of alternative modes of travel. The hotel should be set up to act as a reservation agent for the airport shuttles, and be able to bill the cost directly to the customer's account. By removing inconveniences such as the need to make reservations or pay cash for the ticket, use of the shuttles will be facilitated.

Include in all conference information packages, which are usually produced by the conference promoter, information on transportation connections to the site. This material should emphasize the availability of connections to shopping, dining, and entertainment opportunities, as well as to the airports, to discourage reliance on rental autos.

Encourage visitors to the public recreation areas, including the hostel, beach, North Waterfront Park and Marina facilities to use transit and bicycles to reach the site. Provide locking bicycle racks, well signed paths, and lighted transit shelters to improve the attractiveness of these modes. Permit visitors to the public facilities to make use of the BART shuttles operated by the hotel proprietors. Post transit information prominently at all recreational areas.

4.4. Short-Term Improvements by the Developer

The present schedule for CalTrans improvements to Interstate 80 would not complete the portion through Berkeley until 1995 at the earliest. The Waterfront Plan assumes that Phase 1 of the development would take place before that date. However, under present conditions no development could take place at the Waterfront consistent with the City's policy of level of service "D" at intersections. However, there are reasonable improvements which the developer could make at the four freeway interchanges and local

intersections which would enable the development of the Waterfront Plan Phase 1 to take place before completion of the freeway program. (See Figures 6 through 15). These improvements are examples of projects that will be needed to meet the City's circulation requirements when Waterfront development occurs. Specific improvements will be subject to the City's review, public hearing and approval process.

Table 2 indicates existing and projected levels of service at key interchanges and intersections, and Table 3 defines the various levels of service.

4.4.1. - 4.4.5. are examples of possible improvements to be paid for by the developer as a condition of any permit prior to completion of CalTrans improvements.

4.4.1. Powell Interchange

Add an eastbound left turn pocket at the Powell/West Frontage intersection, subject to approval by the City of Emeryville.

4.4.2. Ashby Interchange

No improvements needed, assuming implementation of the CalTrans design and adequate bicycle and pedestrian facilities.

4.4.3. University Avenue Interchange

Signalize the southbound ramps intersection; relocate the West Frontage Road 400 feet to the west of the southbound ramps; add an eastbound left turn lane at University/new Waterfront Road intersection; and build a new Waterfront Road between Gilman and south of the Brickyard area with additional left turn pockets at the University/Frontage intersection.

4.4.4. Gilman Street Interchange

Relocate West Frontage Road 500 feet west of the southbound ramps; signalize the northbound and southbound ramp intersections with Gilman; widen Gilman Street to provide right and left turn pockets at the ramp intersections and at Eastshore Highway; and restrict traffic on East Shore Highway at Gilman Street to right-turn in and right-turn out only.

4.4.5. Sixth/University Intersection

Add a northbound left and southbound right turn lane.

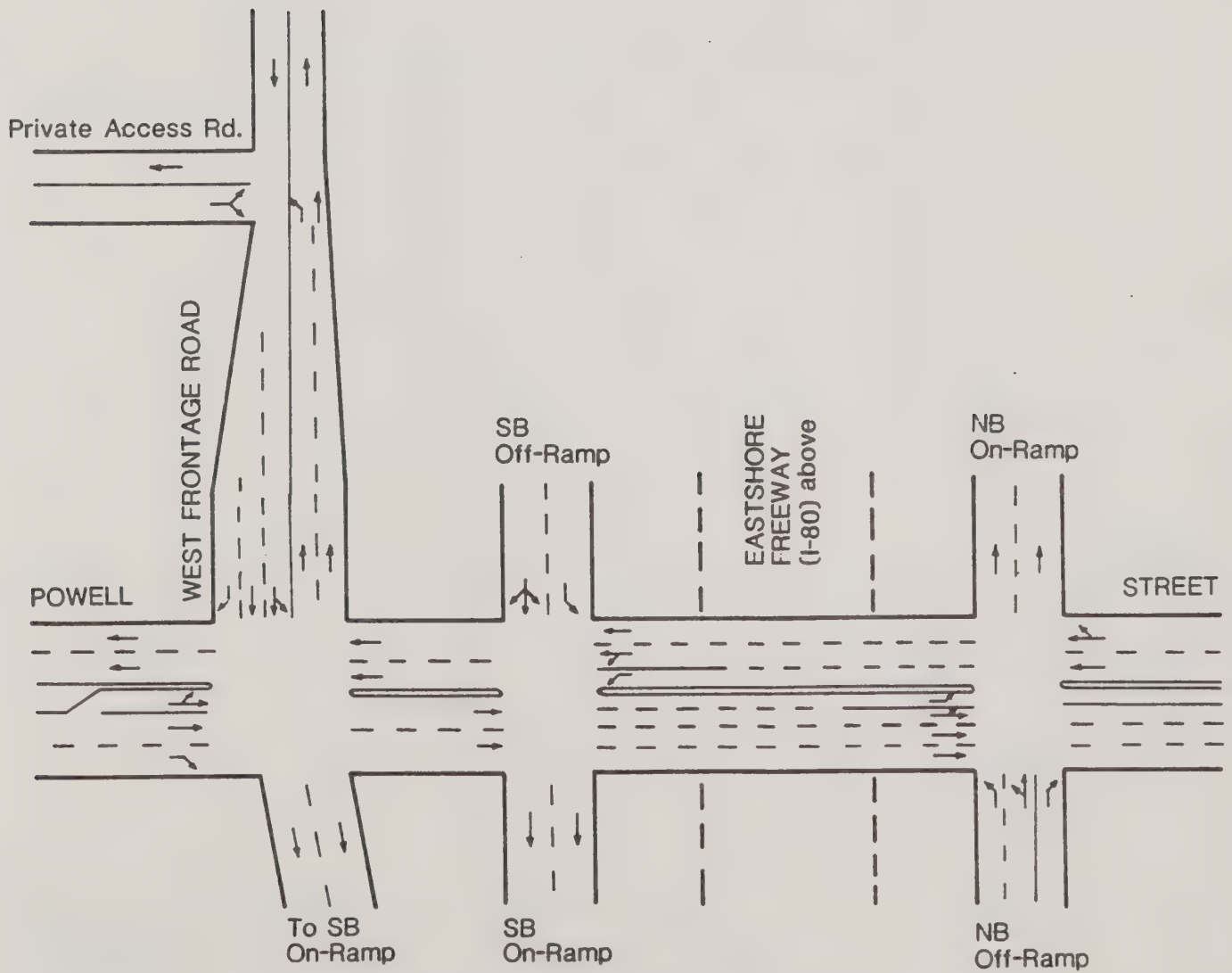


Figure 6
Existing Geometrics at
Powell/I-80 Interchange

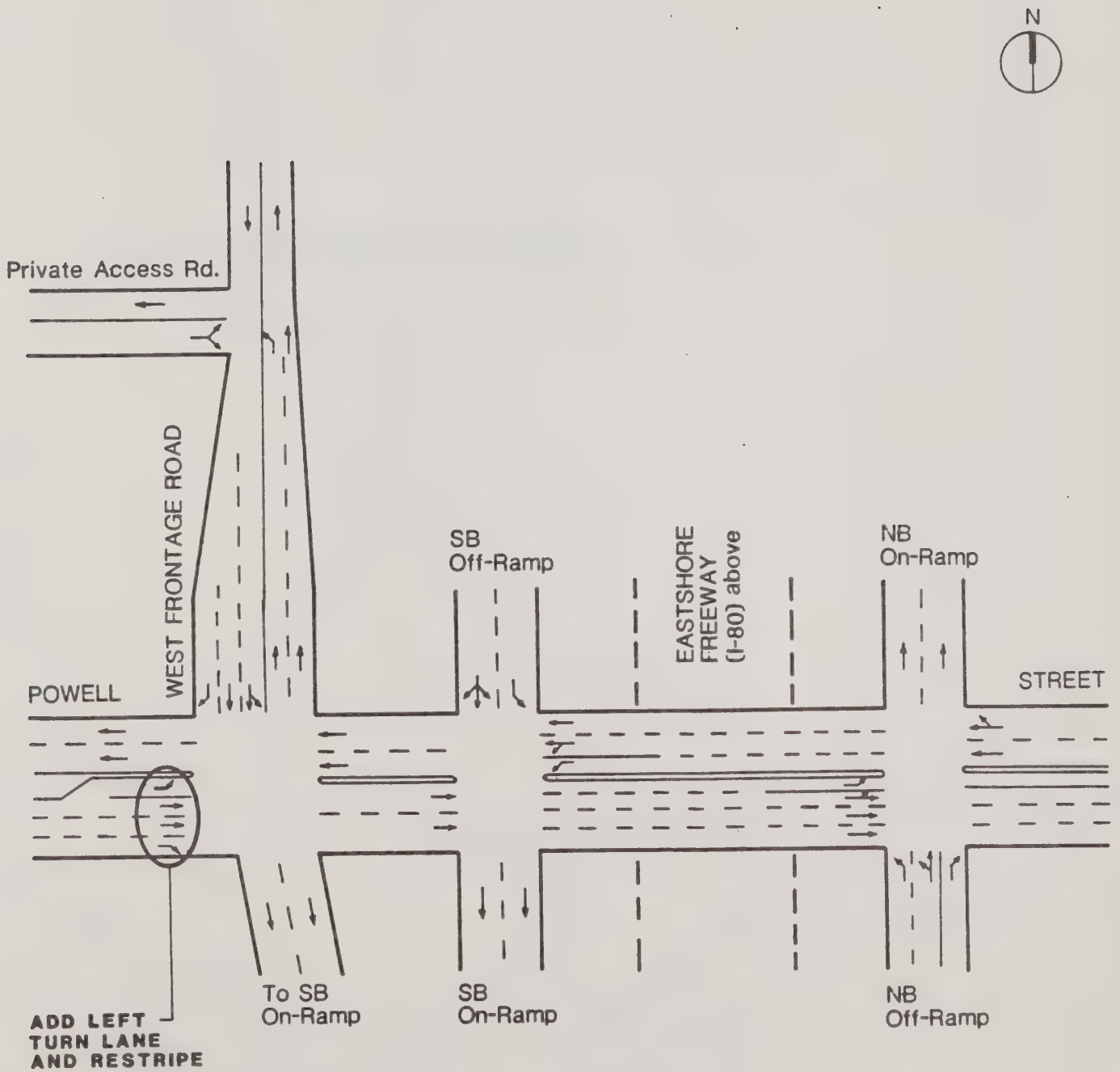


Figure 7

**Existing Geometrics at
Powell/I-80 Interchange
with Minor Improvements**

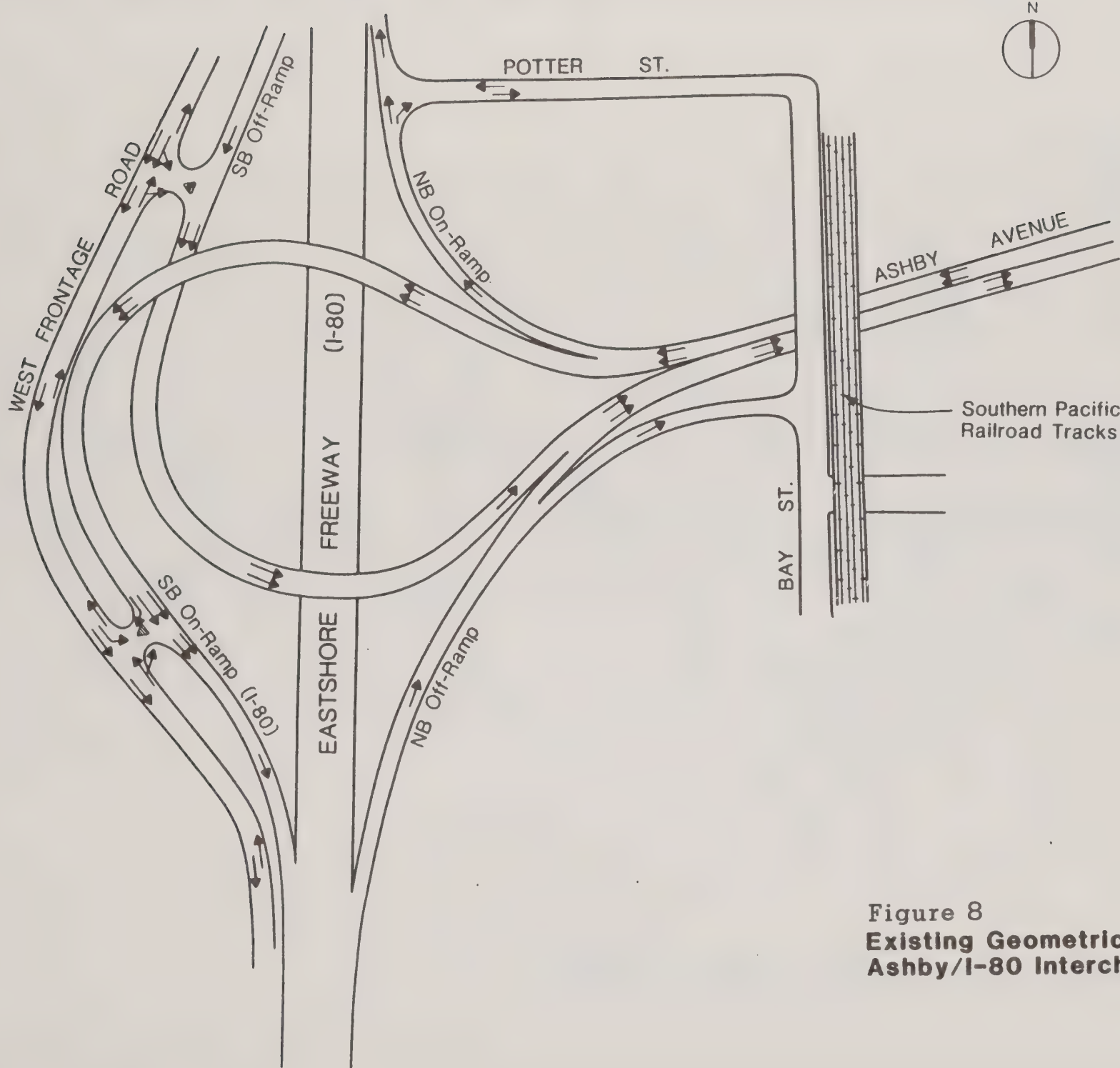


Figure 8
Existing Geometrics at
Ashby/I-80 Interchange

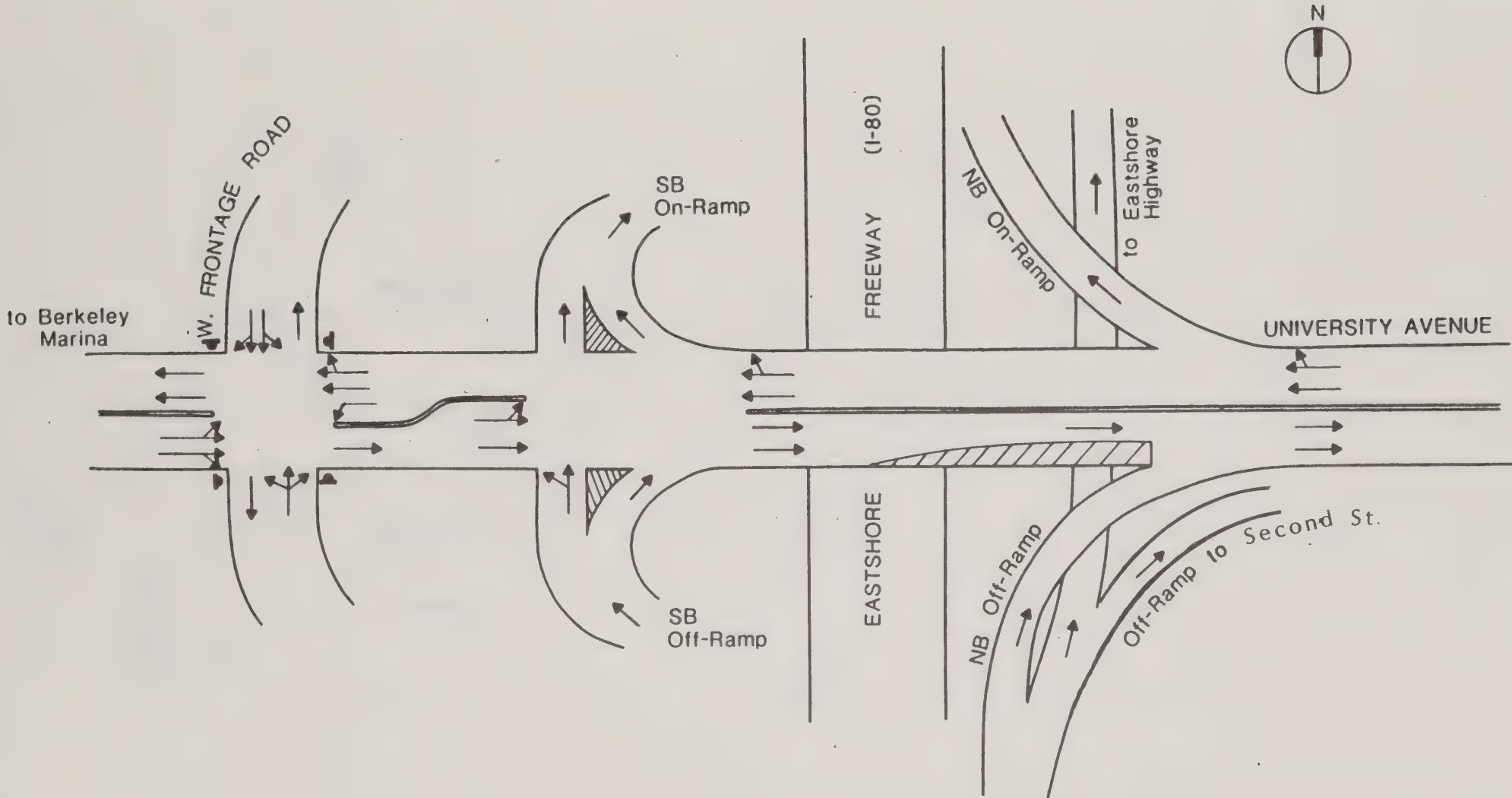


Figure 9
Existing Geometrics at University/I-80 Interchange

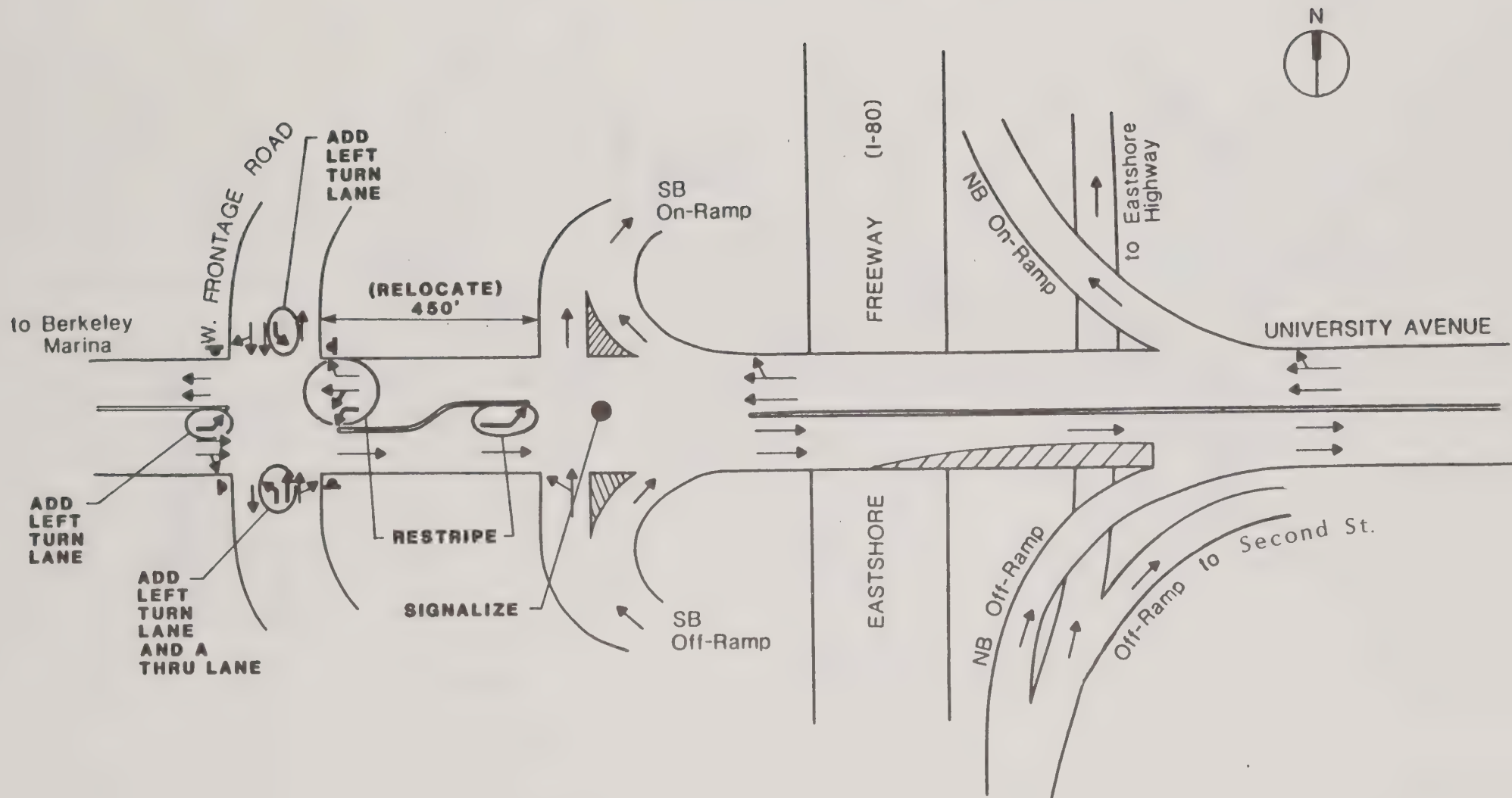


Figure 10
Existing Geometrics at University/I-80 Interchange
with Minor Improvements

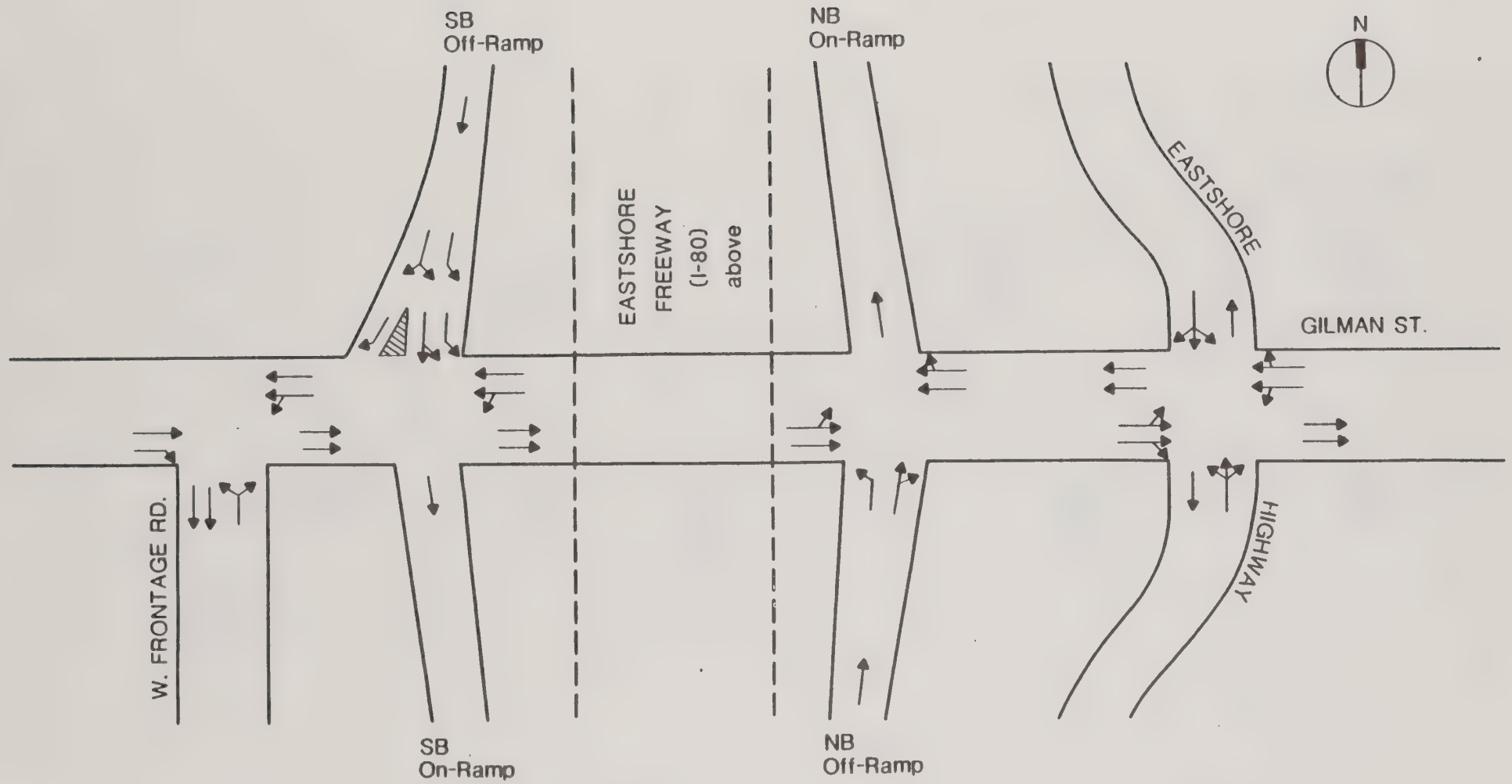


Figure 11
Existing Geometrics at Gilman/I-80 Interchange

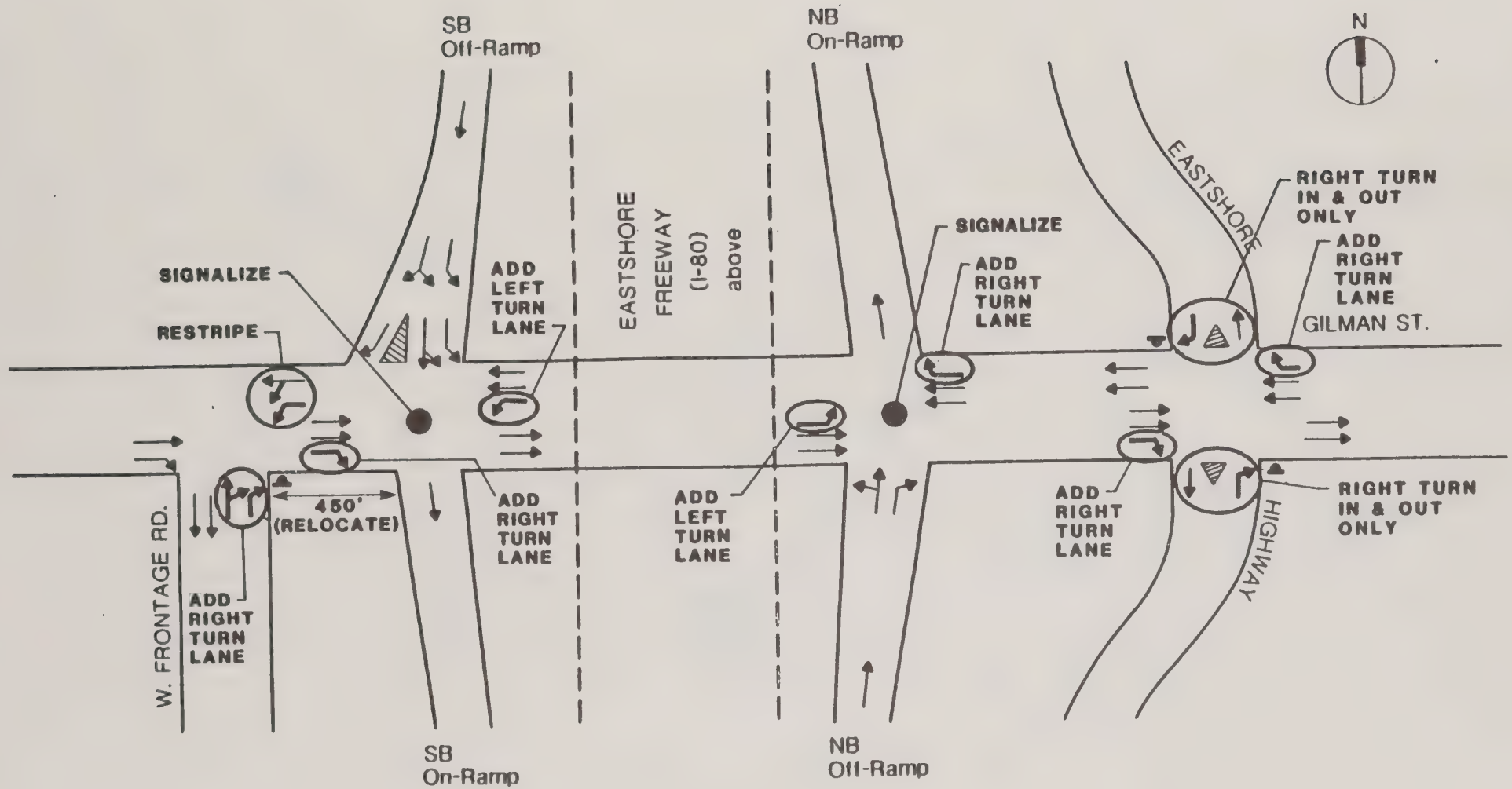


Figure 12
Existing Geometrics at Gilman/I-80 Interchange
with Minor Improvements

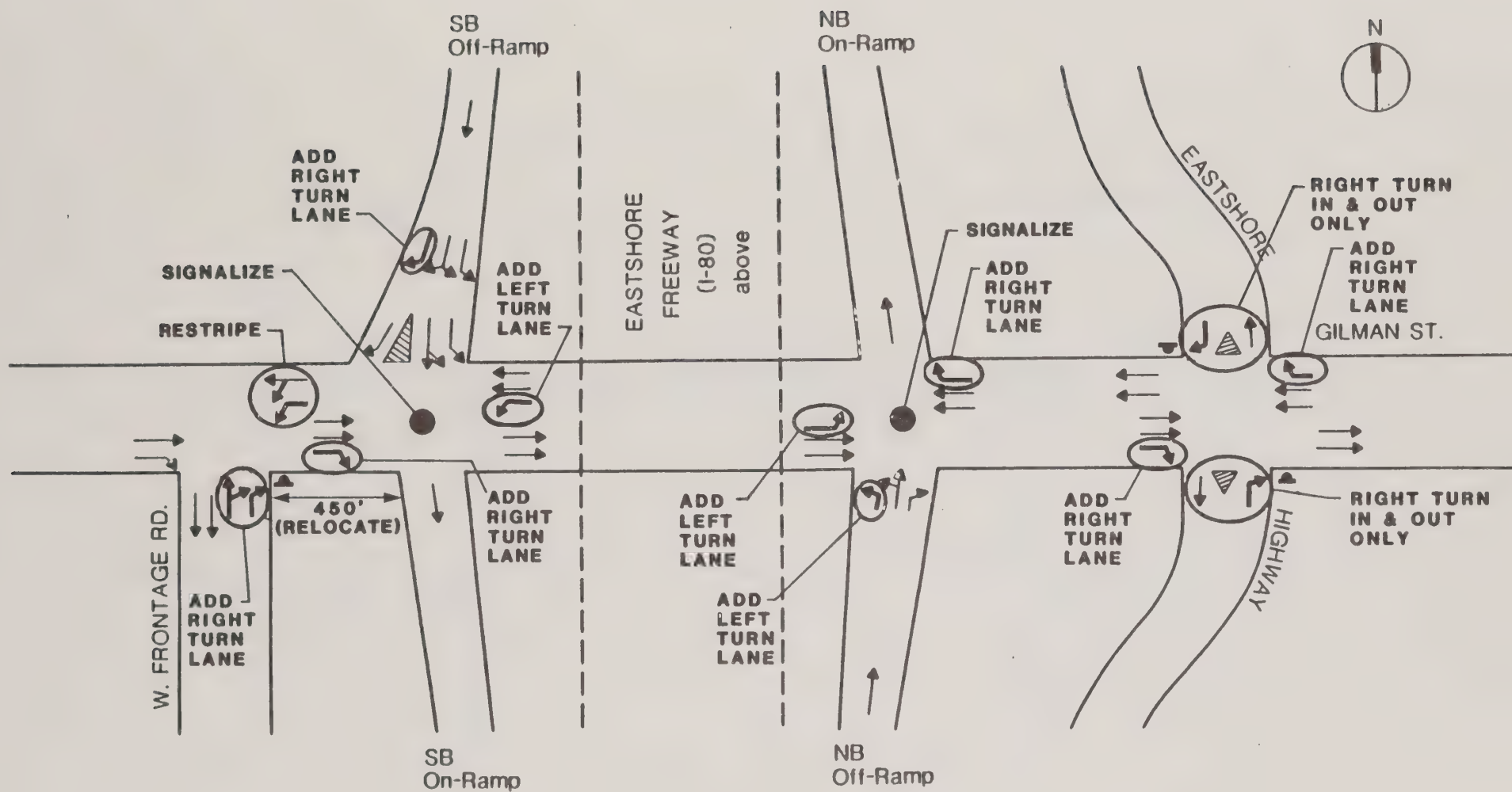


Figure 13
Existing Geometrics at Gilman/I-80 Interchange
with Minor Improvements
and Additional Ramp Lanes

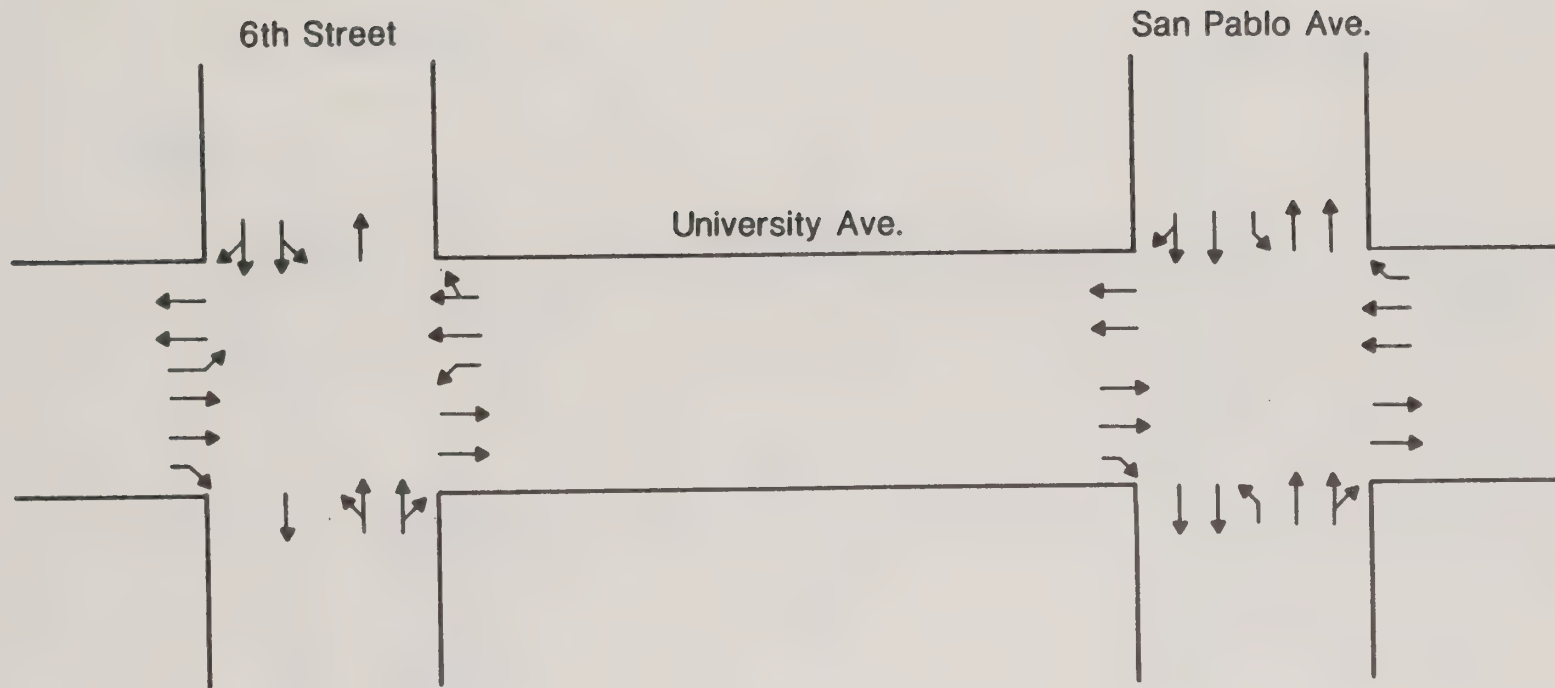


Figure 14
Existing Lane Geometrics at
University/Sixth and University/San Pablo

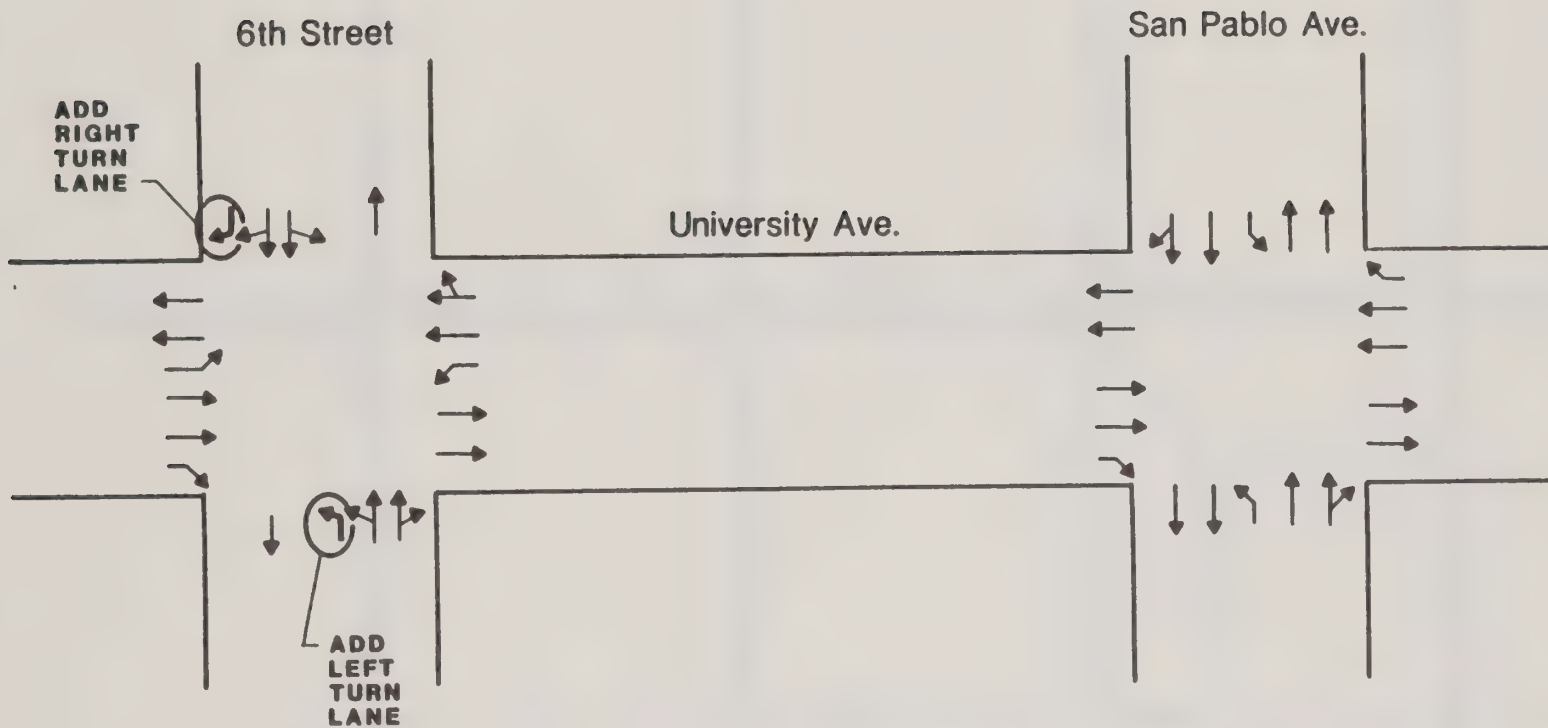
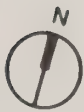


Figure 15
Existing Lane Geometrics at
University/Sixth and University/San Pablo
with Minor Improvements



Figure 16
Inbound Regional Routes
to Berkeley Waterfront



Figure 17
Outbound Regional Routes
from Berkeley Waterfront

Table 2

EXISTING AND PROJECTED VOLUME-TO-CAPACITY RATIOS

Intersection	Existing Geometrics Existing Traffic ¹		Existing Geometrics 1990 Base Traffic		Existing Geometrics 1990 Base Traffic + Project Phase I		With Short-Term Improvements ²	
	AM	PM	AM	PM	AM	PM	AM	PM
1. Gilman Interchange	0.81	0.92	0.86	0.98	0.87	1.14	0.76	0.89
2. Univ./San Pablo	0.68	0.82	0.70	0.85	0.71	0.87		
3. Univ./Sixth	0.62	0.92	0.66	0.94	0.70	1.04	0.64	0.92
4. Univ./N.B. Ramps	N/A	N/A	N/A	N/A	N/A	N/A		
5. Univ /W. Frontage/ S.B. Ramps	0.83	0.75	0.88	0.80	1.13	1.16	0.89	0.61
6. Ashby/Bay	N/A	N/A	N/A	N/A	N/A	N/A		
7. Ashby/N.B. Ramps	N/A	N/A	N/A	N/A	N/A	N/A		
8. Ashby S.B. off/ West Frontage	0.58	0.44	0.62	0.47	0.65	0.57		
9. Ashby S.B. on/ West Frontage	0.80	0.51	0.86	0.55	0.90	0.66		
10. Ashby/W. Frontage	N/A	N/A	N/A	N/A	N/A	N/A		
11. W. Frontage/Private Access Road	0.85	0.47	0.90	0.50	0.93	0.54		
12. Powell Interchange	0.83	0.93	0.89	0.99	0.92	1.03	0.89	0.99

¹ Based on 1983 and 1984 intersection turn movement counts conducted by DKS Associates.

² The V/C ratios reflect additions of 1200 PM peak and 1000 AM peak trips to the current traffic volumes. The other intersections remain the same.

Table 3

LEVEL OF SERVICE INTERPRETATION

<u>Level of Service</u>	<u>Description</u>	<u>Average Vehicle Delay (Seconds)</u>	<u>Volume to Capacity Ratio</u>
A	Free Flow. No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Insignificant delays.	0-16	0.0-0.59
B	Stable Operation. An occasional approach phase is fully utilized. Many drivers begin to feel somewhat restricted within platoons of vehicles. Minimal delays.	16-22	0.60-0.69
C	Stable Operation. Major approach phase may become fully utilized. Most drivers feel somewhat restricted. Acceptable delays.	22-28	0.70-0.79
D	Approaching Unstable. Drivers may have to wait through more than one red signal indication. Queues develop but dissipate rapidly, without excessive delays.	28-35	0.80-0.89
E	Unstable Operation. Volumes at or near capacity. Vehicles may wait through several signal cycles. Long queues form upstream from intersection. Significant delays.	35-40	0.90-0.99
F	Forced Flow. Represents jammed conditions. Intersection operates below capacity with low volumes. Queues may block upstream intersections. Excessive delays.	40 or greater	not applicable

Source: "Highway Capacity Manual," Highway Research Board, Special Report No. 87, Washington, D.C., 1965.

"Interim Materials on Highway Capacity," Transportation Research Board, Circular No. 212, Washington, D.C., January 1980.

DKS Associates.

4.5. Parking

4.5.1. Provide parking in accordance with the standards on Table 1, with the following general configuration of parking facilities:

To serve private development:	Number of Spaces
Phase 1 Hotel/Conference Center	690
Waterfront Retail	200
Phase 2 Hotel	360
	1,250
To serve visitors to public use areas if they become publicly owned:	
Brickyard	160
East Meadow	150
Stables Area	150
	460
TOTAL	1,710

(plus CalTrans Park-and-Ride
lot near Ashby Interchange)

4.5.2. Reserve at least 25 percent of the total parking spaces for disabled users.

4.5.3. Include in parking lots curb cuts leading to adjacent trails and to support facilities such as restrooms and picnic areas.

4.5.4. Include in each of the parking lots listed above wheelchair-accessible restrooms (one for every 30 parking spaces), telephones, bicycle racks, trash cans, and bus stops.

5. UTILITIES

The major components of the utilities include improvements to: 1) the water supply system; 2) the sanitary sewer system; 3) storm drainage; 4) electrical, telephone, and gas services. The improvements are phased to support the land use/open space element.

Utility corridors shall be established in the publicly dedicated roadway right-of-ways. An additional minimum 25-foot wide utility corridor shall be maintained in the existing CalTrans Frontage Road between University and the Albany City limits. (See Figure 18)

Parallel utility lines shall not be stacked in the same trench to conform with service and repair requirements of utilities.

5.1. Water System Improvements

The East Bay Municipal Utilities District is responsible for the provision of water in the Berkeley Waterfront. They own and maintain the water distribution network and treat and supply all water.

5.1.1 Existing Improvements

Service to the Waterfront area is currently provided by two water lines. A 12-inch service extends west from Hearst Avenue under Interstate 80 and connects with an eight-inch line that continues west in University Avenue to the Marina area. A second 12-inch line extends under the freeway at Gilman Avenue and currently ends just west of the freeway.

The Marina area is currently experiencing some fluctuation in water pressure because the lines west of the freeway are not looped or interconnected, and EBMUD has stated that they would probably require the lines in Gilman and University Avenues to be looped or connected before significant development can occur. In addition the City of Berkeley Fire Department has stated the lines west of the freeway must be looped before the Waterfront area can be developed.

EBMUD estimates that a significant level of development could be supported at the Waterfront with the existing facilities provided the two existing lines are looped or connected.

5.1.2. Brickyard and Meadow Water System Improvements

The improvements required for the Waterfront Plan include the interconnection of the two water sources in a loop and the installation of a new water main to serve the initial development areas. These improvements, to be financed by the developer, will be included as conditions of the City's project approval.

Phase I

Loop System: Install approximately 5200 linear feet of main in the existing CalTrans Frontage Road right-of-way connecting the Gilman Street water main with the existing water main at University Avenue.

New Main: Install approximately 1300 linear feet of new water line in the University Avenue right-of-way between Frontage Road and Marina Drive.

Install approximately 400 linear feet of new water line in the road right-of-way connecting University Avenue to the development area at the Brickyard.

Hydrants: Install hydrants a minimum of 300 feet apart in commercial areas and a minimum of 500 feet apart in non-commercial areas.

Phase 2

New Main: Install approximately 1500 linear feet of new water line connecting the Gilman Street service line to the northern hotel development area.

Install approximately 300 linear feet of new water line to connect the Waterfront retail uses to the Frontage Road Utility corridor.

Hydrants: Install hydrants a minimum of 300 feet apart in commercial areas and a minimum of 500 feet apart in non-commercial areas.

5.2. Sanitary Sewer Improvements

Sanitary sewer service in the Berkeley Waterfront area is currently provided by a combination of the City of Berkeley and EBMUD. The City owns and maintains the sewer line network throughout the City of Berkeley, collecting sewage and emptying it into EBMUD's facilities.

5.2.1. Existing Improvements

The City's sanitary sewage facilities supporting the Waterfront area extend west from EBMUD's interceptor with a 16-inch line under the I-80 freeway to the west side of the freeway. West of the freeway there is an eight-inch force main extending west from the 16-inch line along University Avenue to the Marina area.

The existing capacity of the 16 inch gravity sewer connection beneath I-80 has adequate capacity to support the level of development in the waterfront Plan. Improvements will be required, however, west of the freeway to connect any development in the Waterfront area to the 16-inch line within the Brickyard area.

5.2.2. Sewer System Improvements

The improvements required for the Waterfront Plan include the installation of new force mains serving the development areas and additional pump stations to maintain adequate flow. These improvements, to be financed by the developer, will be included as conditions of the City's project approval.

Phase I

New Main: Install approximately 1300 linear feet of new force main sewer line in University Avenue to connect with the existing 16-inch gravity line extending through the Brickyard area and beneath the I-80 freeway.

Install approximately 1000 feet of new force main sewer line in the Frontage Road right-of-way to connect to the hotel development area.

Install approximately 400 linear feet of new force main sewer line in the road right-of-way to connect to the development area at the Brickyard.

New Pump Stations: Install new pump stations at the intersection of Marina Drive and University Avenue and at the Brickyard development area.

Phase 2

New Main: Install approximately 4900 linear feet of new force main sewer line in the Frontage Road Utility corridors extending service from the initial phase hotel/conference center area to the northern hotel development area.

Install approximately 300 linear feet of new force main sewer line to connect the retail center development area with the Frontage Road utility corridor.

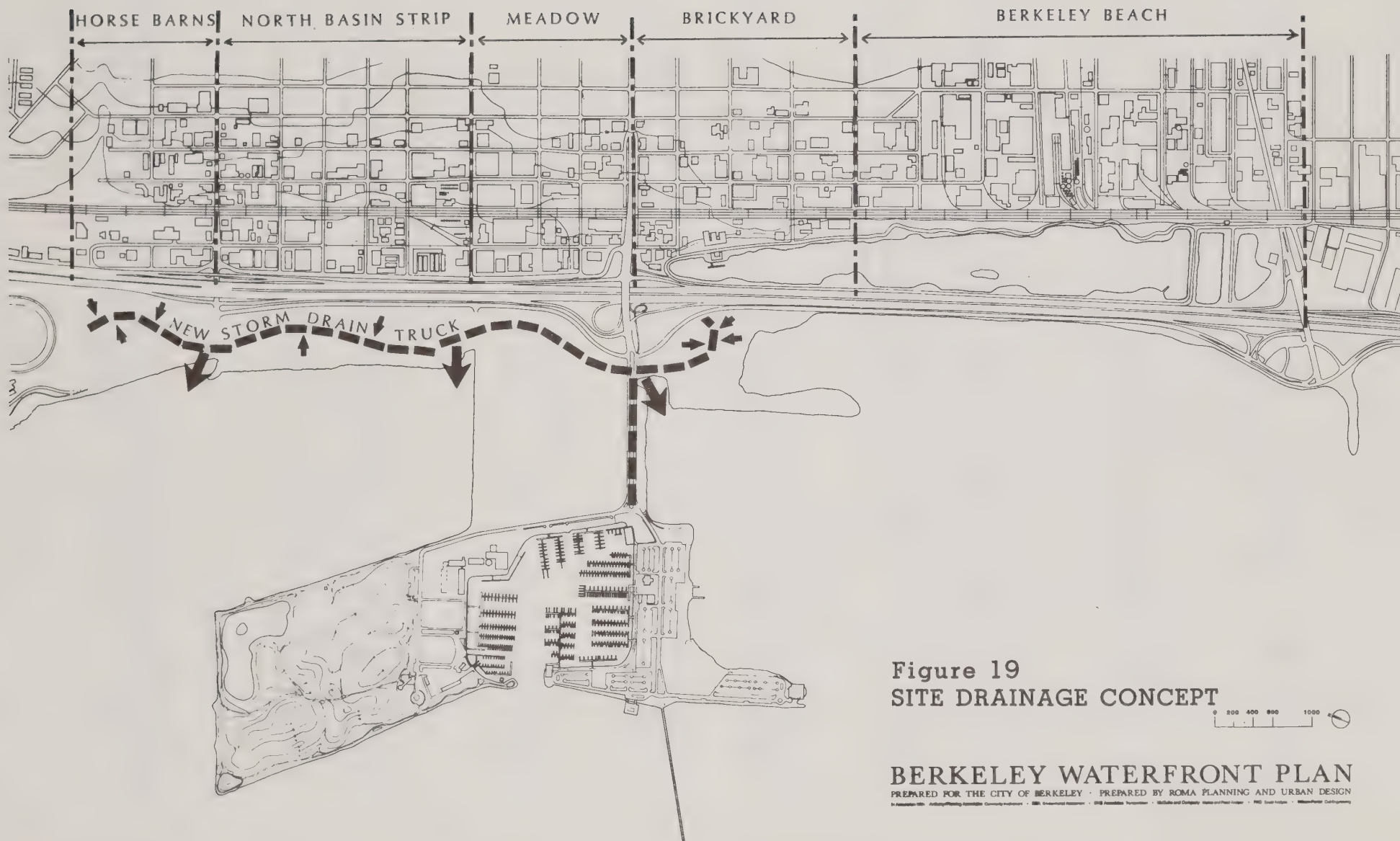
New Pump Stations: Install two new pump stations along the 4900 foot sewer extensions.

5.3. Storm Drain System (See Figure 19)

Storm drainage in the Waterfront area is primarily surface runoff. There is no formal storm drainage system west of the freeway. There are several existing outfalls, but these are for the primary system serving the City of Berkeley east of the freeway.

5.3.1. Existing Improvements

Existing outfalls for lines serving Berkeley east of the freeway are located near University Avenue approximately 1000 feet west of the freeway, near Virginia Street approximately 600 feet west of the freeway, and near



Gilman Street approximately 700 feet west of the freeway. The outfalls experience silting and must be dredged every couple of years. The outfalls are also submerged during periods of high tide.

5.3.2. Storm Drain System Improvements

The improvements required for the Waterfront Plan, to be financed by the developer, include a new storm drain trunk and the addition of new outfalls.

Phase 1

New Trunk Line: Install approximately 800 linear feet of new storm drain trunk within the Frontage Road utility corridor to connect the hotel/conference development area to the existing Virginia Street storm drain.

Install approximately 400 linear feet of new storm drain trunk within the road right-of-way to connect the Brickyard development area with the existing University Avenue storm drain.

Phase 2

New Trunk Line: Install approximately 1000 feet of new storm drain trunk within the new Waterfront Road right-of-way to connect the northern hotel development area with the Gilman Street outfall.

Install approximately 2700 linear feet of new storm drain trunk within the new Shoreline Drive right-of-way to connect the retail center development area south to the Virginia Street outfall and north to the Gilman Street outfall.

5.4. Electrical, Telephone, and Gas Services

The waterfront area presently includes electrical, telephone and gas services.

5.4.1. Existing Improvements

Electrical: A 12,000 volt system extends across I-80 just north of Gilman Avenue and then runs overhead parallel to the Frontage Road to Virginia Street and then to Marina Drive where it turns north to the North Waterfront Park. A second 12,000 volt system extends under the freeway at Hearst Avenue to the Frontage Road where it turns south to University Avenue and extends westerly, underground, in University Avenue out to the Marina.

PG & E regulations require that electric service be underground.

Telephone: The existing system serving the Waterfront area consists of lines extending west from the freeway in University Avenue to Marina Drive. A second system is being installed in Gilman Avenue to provide service to the area north of Virginia Street.

Gas: Existing gas facilities in the Waterfront area consist of a six-inch gas line extending west under I-80 just north of Hearst Avenue and then following the frontage road south to University Avenue and then west out to the marina. A three-inch line extends west under the freeway just north of Gilman Avenue.

5.4.2. Electrical, Telephone, and Gas Improvements

The improvements required for the Waterfront Plan include new electrical, telephone, and gas improvements in all the major utility corridors in parallel but separate trenches, to be financed by the developer.

Require developers to consult with Pacific Bell and PG & E as early as possible in the development process, to ensure efficient provision of telephone, gas and electric service to currently undeveloped portions of the Waterfront.

Encourage new development to take advantage of privately offered, tax subsidized energy conservation facilities as well as conservation programs offered by PG & E.

Place all distribution lines underground.

Phase 1

New Services: Install approximately 1300 linear feet of new service in the University Avenue right-of-way.

Install approximately 1000 linear feet of new service in the Frontage Road utility corridor to connect the hotel/conference development area to University Avenue.

Install approximately 400 feet of new service in the roadway right-of-way to connect the Brickyard development area to University Avenue.

Install approximately 1800 linear feet of new service in the relocated Marina Drive right-of-way to connect the University Avenue corridor to the existing Marina area services.

Phase 2

New Services: Install approximately 2100 linear feet of new service in the Gilman Street right-of-way connecting the existing services east of the freeway to the northern hotel development site.

Install approximately 1600 linear feet of new services in the Frontage Road utility corridor connecting the Gilman Street services to the retail center development site.

5.5. Solid waste

Development of the Waterfront will require garbage collection services which could be provided by the City or a private waste collection company. An additional collection route would be required to serve the area. Since waste collection services are financed through fees, no financial impact is anticipated. Development under the Waterfront Plan would generate an estimated 25 tons per day.

5.5.1. Require all development proposals to be reviewed with the City Refuse Collection Division to ensure that collection trucks can access refuse storage areas in a timely and safe manner.

5.5.2. Require tenants of the Waterfront buildings to separate recyclable refuse materials to assist the City in meeting its recycling goals and to preserve space in both private and public landfill facilities.

6. COMMUNITY DESIGN

6.1. Maintaining and Enhancing View Corridors

6.1.1. To minimize blocking of views from I-80 across the North Basin, cluster structures so that important view corridors at Gilman Street, Cedar Street, and Virginia Street are preserved.

6.1.2. To retain and enhance view corridors along the North Basin Strip include the following design guidelines:

1. Step down building heights toward the view corridor, opening up a larger view to the water and minimizing shading of public space along the accessways to the shoreline.
2. Set back buildings from view corridors so that initial views upon entering the site are of open space and an unobstructed shoreline. Use landscaping and other landmark features to orient users and to define the circulation system.

6.1.3. Use design features to make on-site connections to shoreline trails, access points for the disabled, bus stops, and freeway pedestrian overpasses visually prominent. Use elements such as landscaping, flags, or sculpture to mark shoreline access points at the end of view corridors and other important points along the circulation system and to create a focal point for entrances to the shoreline.

6.1.4. Consistent with flexible design policies, buildings in the North Basin Strip may be oriented with their long axis east-west to minimize visual impacts and to frame view corridors along Gilman Street, Cedar Street, and Virginia Street.

6.2. Building and Parking Siting

6.2.1. Require orientation of buildings to take advantage of the sun for outdoor private/public open space areas. Year-round solar access to adjacent buildings is encouraged.

6.2.2. Require retention of views out from public areas by the use of setbacks and orientation.

6.2.3. Require design of building footprints to allow for corners and spaces that can be used by pedestrians.

6.2.4. Require placement of parking behind buildings, or in a central court, with screening of parking areas.

6.2.5. Require location and design of auto entrances to prevent conflict with pedestrian circulation.

6.2.6. Require orientation of pedestrian entrances to protect people from wind and noise.

6.3. Street Facades

6.3.1. Coordination of Design Elements

Require coordination of such design elements as cornice lines, eaves, setbacks, form, color, materials, texture and landscaping to form a coherent grouping of related structures.

6.3.2. Articulation

Require inclusion of activities and design features that will be attractive and interesting to pedestrians at the ground floor level.

6.3.3. Signs and Other Building Accessories

Require integration of signage with the building design. Materials used for signs should be compatible with the building's architectural materials or be incorporated into artwork integral to the surroundings.

When multiple tenants in the same building provide signs adjacent to each other, require a signage theme with compatibility of such elements as size, shape, lettering, colors, and design elements. Vandal-proof and weather resistant signage is encouraged.

Require screening of secondary building accessories such as a garbage receptacles, utility meters and mechanical and electrical equipment from the view of pedestrians. Screening of such accessories should be done in a way that is harmonious with the building design.

6.3.4. Heights

Heights of buildings shall not exceed the limits specified for each sub-area: one to two stories with occasional heights of three stories for the East Meadow/Phase 1 Study Area and the Stables Area, one to two stories for the North Basin Strip, and one story for the Brickyard. Abrupt changes in height may be appropriate, even desirable, in certain situations, such as the need for focal points and landmarks. Such techniques as stepbacks and terraces should be used to reduce the visual impact of structures in the generally open environment and to provide transitions to the Waterfront side of buildings.

6.3.5. Lighting

Require lighting for circulation, security, building/sign identification and pedestrian orientation to be unobtrusive and compatible with the open space design of the Waterfront. Avoid neon and large visible expanses of fluorescent lights. Place all utilities underground in the sidewalk area.

6.3.6. Walls and Fences

Require avoidance of large, unarticulated expanses of any particular wall material.

6.4. Landscaping and Open Space

6.4.1. Landscaping Uses and Materials

Use landscaping as a unifying element to orient users to the circulation system on the waterfront site and to identify important shoreline access points. Choose species so that important views are not blocked in the future as trees mature.

For parking areas in the southeast Meadow or north Brickyard, use shrubs or low trees so that views toward the Marina are not blocked. Recommended species include the following, all of which currently exist at the waterfront site:

- Acacia longifolia (Sydney golden wattle)
- Baccharis pilularis spp. consanguinea (Coyote brush)
- Calistemon spp. (Bottlebrush)
- Ceanothus spp. (Ceanothus)
- Dodonaea viscosa 'purpurea' (Purple hopseed bush)
- Gravillea 'Noellii'
- Melaleuca linariifolia (Flaxleaf paperbark)
- Melaleuca nesophila (Pink melaleuca)
- Myrica californica (California wax myrtle)
- Photinia fraseri
- Pittosporum crassifolium (Karo tree)
- Pyracantha sp. (Firethorn)
- Raphiolepis sp. (Hawthorn)

On the western Brickyard, limit landscaping to low shrubs and groundcovers which would not block views toward the Bay and the Golden Gate.

Submit plans for street trees for review by the Parks/Marina staff of the Department of Public Works.

6.4.2. Landscaping Near Buildings

Require planters, trees, groundcovers, and shrubs with automatic watering systems where they do not impede pedestrian movement and where the building owner and/or tenant will provide continuing maintenance to provide a transition to the natural, open space character of the waterfront.

6.4.3. Sidewalk Areas

Require in sidewalk areas around buildings landscaping that is coordinated with the design of nearby buildings, and that provides a transition to the natural, open space character of the waterfront. Use a minimum number of tree species in any one area. Require embellished paving materials that create a pattern that is sensible in terms of cues for people who have visual impairments.

6.4.4. Parking

Require incorporation of adequate landscaping for visual screening of parking areas from public open space areas and rights-of-way. When parking areas are adjacent to public sidewalks or pedestrian/bicycle trails, require walls, berming, or plant materials that are generally three to four feet in height between the public access and the first row of parked cars. Light parking areas well for security purposes, but with low-scale fixtures that are compatible with the natural open space character of the waterfront. Shade at least 50 percent of the surface area (as measured at 12 noon on June 21) to reduce heat build-up and to improve visual appearance.

6.4.5. Open Space Areas

Require developers to provide open spaces within development areas for people to come together for community interaction in a lively pedestrian environment. Design these spaces to be wheelchair accessible with the entrances visible from the street.

Include such amenities as artwork, patios with benches, fountains with nearby sitting areas, and interior courtyards. Locate these open space areas to take advantage of winter and afternoon sunlight, and to protect from prevailing winds.

6.5. Circulation

6.5.1. Pedestrian Paths

Design pedestrian paths and arcades which join different parts of buildings, streets, and public areas. These paths should be lighted, should not contain blind corners, and should be marked for a clear understanding of direction and destination points. Define entry points to the pathways and arcades by architectural elements such as gateways, change in paving materials, signage, and artwork.

6.5.2. Building Entrances

Require definition of building entrances by appropriate locations and by elements such as awnings, signage, artwork, or changes in paving material the entry point.

6.5.3. Transit Loading Points

Require transit loading points to provide protection for transit users in inclement weather. Provide adequate room for transit loading so that pedestrian traffic is not interrupted.

6.5.4. Bicycle Parking

Require usable bicycle racks that are visible from a public way and that do not impede pedestrian or auto circulation. Locked and covered structures for bicycles should be provided and designed to be compatible with the building.

6.5.5. Disabled Access

Require features for disability access that are compatible with the overall building design, that are clearly identifiable, and in compliance with other provisions of the Berkeley Municipal Code.

6.6. Design Review Committee

Refer all public and private development proposals to the Berkeley Design Review Committee for a recommendation to the Planning Commission before the Commission's action. For review of Waterfront proposals, add one member each of the Waterfront Commission and Parks and Recreation Commission to the City's Design Review Committee.

7. PLAN IMPLEMENTATION

A specific plan must contain a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the development and open space objectives set forth in the plan. This section describes the programs the City of Berkeley and/or other public agencies will undertake to carry out the Waterfront Plan.

7.1. Site Improvements

The City of Berkeley, or another appropriate public agency, will fund, develop and maintain all site improvements needed for areas that become publicly owned. The private developer will fund, develop, and maintain all site improvements needed for areas designated for private use, transportation improvements needed to allow the amount of development proposed before completion of Interstate 80 improvements by CalTrans, and all mitigations determined through the project review process.

Following is a summary of public and private responsibilities for Waterfront development.

Shoreline and Submerged Lands

1. The private developer will dedicate to a public agency a continuous minimum 100-foot wide shoreline band for public access along the entire Waterfront, phased in accordance with private development.

2. The private developer will construct all shoreline improvements in the 1200-foot wide public access band between Virginia Street and the Albany border, including shoreline stabilization, landscaping, and continuous public access bike trail and pedestrian trail.

3. The public will construct all shoreline improvements for the remaining portion of the waterfront and maintain all waterfront shoreline improvements.

4. The City will exercise the public trust over all submerged lands, as appropriate, for purposes consistent with the Master Plan.

Meadow

1. The approximately 50 acres of the central Meadow that are not included in the 100-foot wide public access shoreline band, plus additional land for the East Meadow area, consistent with the Phase 1 development scheme, are to remain as open space. The City will evaluate the feasibility of acquisition of some or all of these areas and will determine in the permit process appropriate areas for dedication as conditions of approval.

2. The public will improve and maintain those portions of the Meadow that become publicly acquired for public use and access.

Brickyard

1. The approximately 10 acres of the Brickyard that are not included in the 100-foot wide public access shoreline band are to remain as open space. The City will evaluate the feasibility of acquisition of some or all of this area and will determine in the permit process appropriate areas for dedication as conditions of approval.

2. The public will improve and maintain those portions of the Brickyard that become publicly owned for public use and access.

Roadways

1. The private developer will construct a new Waterfront Road between University Avenue and the Albany border and will dedicate the right-of-way to the City to maintain.

2. The private developer will pay for all on and off-site transportation mitigation measures required at the intersections of existing City rights-of-way as described in Section 4.4.

3. The City will be responsible for future reconstruction of University Avenue west of I-80 through the Waterfront planning area, depending upon City-wide reconstruction and maintainance needs.

4. The City will abandon Frontage Road south of University Avenue as part of the CalTrans improvements in the I-80 corridor. Such an agreement with CalTrans will require equivalent benefits to the City.

5. The public will provide any additional bike/pedestrian bridges over I-80 not provided for in CalTrans' I-80 improvement plans.

Utilities and Storm Drains

1. The private developer will finance all utility and storm drainage improvements on and off-site required to serve the private development and will dedicate to the City to maintain the main trunk lines located in roadway ROW's or in a 25-foot wide utility easement located adjacent to the freeway.

2. The private developer will pay for restoration of School House Creek at Virginia Street to a natural configuration, consistent with the requirements of Phase I development.

3. The City will repair and clean up Strawberry Creek outfall and maintain all outfalls to the Bay.

Previously estimated landscaping costs cover only a minimal level of work--adding soil, planting and mowing--substantially lower than the City's present costs of park and playing field development and maintenance. These costs will be subject to further detailed planning, following the determination of which public agency will be responsible for open space/recreation development and maintenance.

Private development costs have been analyzed in the preparation of the Berkeley waterfront Plan, to assure a reasonable economic return to the developer. These studies indicate both that the development proposed in the waterfront Plan, with the allocation of site improvement costs indicated, would result in a reasonable economic return to the developer and a net increase in revenues to the City. These increased revenues to the City are expected to support needed additional City services to the waterfront: police, fire, and administration of other City programs. Other kinds of maintenance such as lighting, landscaping, sewer service, and refuse collection are provided either on a pay for service basis or by special assessment district.

7.2. Methods of Financing Public Improvements

The fiscal analysis of the waterfront Plan indicates that revenues from private development after the first year would be adequate to finance on-going City services, City-built roadway improvements, and improvement of the Strawberry Creek outfall. However, other capital improvements--grading and site preparation of public areas, landscaping and trails, shoreline stabilization, and the pedestrian/bicycle crossings over I-80--as well as acquisition and development of the Central Meadow and Brickyard will require additional sources of funds. If the City were to assume those costs, as well as the full maintenance costs of improved park lands, there would be a substantial negative revenue flow to the City for a longer period of time.

It should also be noted that a positive revenue flow to the City will depend heavily on the hotel occupancy tax. A delay in construction of the hotels would cause an extensive period of revenue loss to the City. (The fiscal analysis does not include assessments that were assumed to equal services provided such as maintenance of landscaping and street lighting.)

7.2.1. Assessment District

Tax-free municipal bonds can also be secured through an assessment district, which can be formed to pay for public improvements which benefit a discrete area within a city. The city floats bonds to pay for improvements, and the debt is paid by assessing property owners according to the benefits they receive from the improvements.

7.2.2. Development Fees

The City can charge fees to developers that relate to the City's cost resulting from the development. These fees, either one-time or on-going, can be used for such purposes as mitigating employment and housing impacts.

7.2.3 California Department of Transportation (CalTrans)

CalTrans is designing improvements to the I-80 Freeway through Berkeley, and the City has been advising that agency of policies of the Waterfront Plan. CalTrans intends to improve pedestrian/bicycle access to the Waterfront in conjunction with roadway improvements. All or part of the construction and maintenance costs of the two proposed pedestrian/bicycle crossings can be expected to be funded by CalTrans. The City will also negotiate to obtain support for shoreline stabilization and beach improvements, in return for making available the City-owned Frontage Road south of University Avenue for I-80 widening.

7.2.4. Park Funds

Several sources of funds for park acquisition and development may be available at the State level, and will be explored.

7.2.5. Private Sources

The City will also explore funding for acquisition and development from foundations, other philanthropies, and individual donors who wish to participate in improving the Waterfront in a manner consistent with Master Plan and Specific Plan policies.

7.2.6. Transfer of Development Rights

The City will investigate the feasibility of transferring development rights from the Waterfront to other locations.

7.3 Permit Applications: Master Development Plans

7.3.1. Purpose.

Before proceeding with any construction, development, rehabilitation, land subdivision, grading or landscaping on the Waterfront, a property owner must apply for and receive approval of a Master Development Plan (MDP) in accordance with the following procedures. The Waterfront includes all land and open water west of the Interstate 80 and east of City-owned land west of the bulkhead line.

The purposes of the Master Development Plan are to assure comprehensive planning of the site, and to establish a two-phase review process that provides a more general level of review of a large area first, and a more detailed level of review for smaller portions of that large area later.

The MDP application must demonstrate that it is consistent with all policies and standards of the Master Plan and any adopted Specific Plan for the Berkeley Waterfront.

7.3.2. Joint Public-Private Development.

Before proceeding with development, the developer must demonstrate that the proposed plans are consistent with the open space and public access areas in the planning area. Conversely, any proposed activity by a public agency must demonstrate that it is consistent with the Master Plan and Specific Plan policies for private development.

7.3.3. Application and Fee.

a. Application for a Master Development Plan shall be made to the Planning Commission in writing on a form provided by the Planning and Community Development Department. Such application shall be accompanied by a fee as set by Resolution of the City Council. The application may be filed by the record owner (or owners) of the land, by a purchaser thereof under a contract in writing duly executed and acknowledged by both the buyer and seller, by a lessee in possession of the property with the written consent of the owner of record of the legal title to make such application, an agent of any of the foregoing duly authorized thereto in writing, or jointly by such eligible parties. The proposed Master Development Plan shall cover all contiguous properties currently held or controlled by record owner at the time of application, and shall cover all contiguous private parcels which have not been subdivided under the City's Subdivision Ordinance regardless of ownership.

b. With submittal of required application(s) and payment of required fee(s), application for a Master Development Plan can be considered concurrently with applications for Land Divisions, Subdivisions, Use Permits, Variances, and/or reclassifications of some or all property covered by a MDP application.

7.3.4. Submission Requirements.

Four copies of the Master Development Plan shall be submitted to the Planning Director and shall include maps, plans, and written material containing the information described below. The Planning Director may waive or modify specific requirements, except for (a) and (b) below, to facilitate the decision-making process.

a. A complete text of any documents regarding the ownership, leases, recorded covenants and conditions or other legal documents affecting control or use of the site.

b. A description of how the application is consistent with the Master Plan and any adopted Specific Plan for the Berkeley Waterfront.

c. A site plan indicating:

1. Lot lines, easements, grades and elevations.

2. Extent, height, and location of structures, including square footage.
3. Land uses; number of discrete units; uses of all structures; private open spaces.
4. Public open spaces -- location, extent, use and maintenance.
5. Preliminary landscaping plan.
6. Vehicle and pedestrian circulation; parking and loading; driveways.
7. Drainage plan.

d. Description of Plan provisions including:

1. Natural or manmade features to be removed.
2. Reliance on existing or provision of needed utilities.
3. Projected phases and timing of development.
4. Estimate of the number and types of jobs to be created-- construction and permanent, including supporting data for such structures.
5. Proposed related on-site or off-site activities or in lieu fees for such purposes as, but not limited to, public art, childcare, public improvements, traffic management, job training, housing assistance and land dedication, based on discussion with the City's Economic Development Office.
6. Estimated public costs and revenues during each phase of development

e. Additional information as may be required by the Planning Director. Information must be specific enough to permit evaluation of the project's intent and potential impacts--physical, social, economic, and environmental. The Planning Director shall inform the applicant of any information required to complete the application within thirty (30) days of the initial application.

7.3.5. Public Hearing.

Upon issuance of a Draft Environmental Impact Report or proposed Negative Declaration for the MDP, the secretary of the Planning Commission shall set the matter for Public Hearing before said Commission within sixty (60) days.

Concurrently, the Secretary of the Planning Commission will refer the proposed Master Development Plan and Draft EIR to the Board of Adjustments, Landmarks Preservation Commission, Transportation Commission, Waterfront Commission and other City Commissions affected by the project. Their comments will be forwarded to the Planning Commission for consideration at their public hearing on the proposed Master Development Plan.

7.3.6. Notices.

Notice of the public hearing in English and Spanish shall be given at least 30 days before the hearing date by:

a. Mailing a notice of the hearing to each property owner, resident and commercial tenant within a 300 foot radius from the boundaries of the site, and within 300 feet east of the Interstate 80 freeway right-of-way. Information on the notice shall include but not be limited to:

1. Time and place of public hearing;
2. City departments to be contacted for further information;
3. A small but readable site plan;
4. Description of uses, building heights, parking and driveways.

b. Posting at least one such notice on each block on which the project site faces, at 10 prominent public places in West Berkeley, and at 10 other prominent public places in Berkeley.

c. Mailing such notices to:

1. Persons and groups who have registered with the Planning and Community Development Department their interest in receiving notices of proposals.
2. Newspapers serving the community.
3. Persons and groups who have commented orally or in writing to the Planning and Community Development Department or the Planning Commission on a MDP application.

d. Publication of notice in two daily newspapers and one additional newspaper serving Berkeley.

7.3.7. Conduct of Hearing.

Each hearing shall be open to the public. All interested persons will be allowed to testify. Written testimony will be distributed to the Planning Commission and made part of the hearing record. Any hearing may be continued from time to time.

7.3.8. Findings.

In order to approve a MDP, the Planning Commission shall find that:

a. The plan is consistent with the Berkeley Master Plan and Specific Plan for the Waterfront.

b. The plan is not detrimental to the health, safety, peace, morals, comfort and general welfare of the City as a whole or of persons residing or working in the neighborhood of such proposed plan or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

7.3.9. Decision.

The Planning Commission may approve, disapprove or conditionally approve any application for a Master Development Plan. The Commission may impose such mitigation measures and requirements for performance bonds as are found appropriate. Approval of a Master Development Plan does not override or negate requirements of other City Ordinances applicable to the project.

Among other conditions of approval for the Master Development Plan which may be specified at the time of processing, the following shall be included:

1. A "self-contained emergency response program" would be implemented at the site to respond to a major seismic event such as a 7.0 (magnitude) earthquake on the Hayward Fault. These emergency response program components would include on-site facilities for potable water storage, backup electric power generation, medical and fire services, firefighting equipment. Buildings would be required to be earthquake safe with shatter proof mirrors, furniture bolts, and precaution notices. Evacuation routes would be clearly marked.
2. An "earthquake preparedness coordinator" would be designated for the Waterfront by the project sponsor. The coordinator would be responsible for ensuring the continued implementation of the self-contained emergency response program. In addition, the coordinator would work with Waterfront tenants in developing emergency preparedness through continued education, drills and building inspections.

The Planning Commission shall render its decision within 30 days after the conclusion of the hearing. Thereafter notices of its decision shall be mailed to the applicant at the address set forth in the application, and a copy shall be filed with the City Clerk. The City Clerk shall present said copy to the City Council at its next regular meeting. The Planning Commission shall also mail notice of its decision to any person who requests such a notification by filing a written request thereof with the Planning Department.

7.3.10. Certification by Council.

Notwithstanding any of the provisions of this Chapter, the Council may call up for certification to it any action of the Planning Commission in approving or denying a Master Development Plan, but such action of the Council shall be taken within 30 days from the date of the City Council meeting on which the Council received the Notice of Decision. Such call for certification shall stay all proceedings in the same manner as the filing of a Notice of Appeal.

7.3.11. Appeal to City Council from Decision of the Planning Commission.

a. Appeal may be taken to the City Council by any person, firm or corporation or political subdivision of the State of California aggrieved or affected by the decision of the Planning Commission granting or denying a Master Development Plan. Such appeal shall be taken by filing a written Notice of Appeal with the City Clerk of the City of Berkeley and payment of a fee as set by Resolution of the City Council within 30 days after the mailing of the notice of the decision of the Planning Commission. The Notice of Appeal shall clearly and concisely set forth the grounds upon which the appeal is based. Each date falling on or within this time period shall be counted except where the last day falls on a weekend or on a legal holiday in which case such date(s) shall be excluded in computing the time for filing of an appeal. The appeal shall be filed in triplicate and the City Clerk shall immediately forward 1 copy to the applicant and 1 copy to the Secretary of the Planning Commission. Within 10 days after the filing of a Notice of Appeal, the secretary of the Planning Commission shall transmit to the City Clerk a copy of the application for Master Development Plan, a copy of the Notice of Appeal and a written statement setting forth the reasons for the Planning Commission's decision. The City Clerk shall make available to the Council, at the time the matter is considered by the Council, all other papers constituting the record upon which the action appeal form was taken.

b. The filing of a Notice of Appeal within the time and in the manner specified in subdivision (a) shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the determination of the appeal, as provided herein.

7.3.12. Proceedings.

If an appeal is filed on the Planning Commission's action on a MDP, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing before the Planning Commission, as set forth in Section 16A.5.

The City Council may reverse or affirm wholly or partly, modify any decision, determination or requirement of the Planning Commission, and may make decisions, or determinations or may impose such conditions as the facts warrant. Any hearing may be continued from time to time.

The public hearing shall commence no later than 60 days from the date when the vote for a hearing is taken unless, on the request of the applicant or the appellant, the City Council establishes a later date for the hearing.

If the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the City Council, then the decision of the Planning Commission shall be deemed affirmed and the appeal deemed denied, except that the City Council may grant extensions of the action date for up to 30 days for good cause.

7.3.13. Expiration Date.

If no application for a Development Permit, Use Permit, or Variance is filed under an approved Master Development Plan, the plan shall expire within a reasonable time, to be determined by the Planning Commission when it approves the Master Development Plan. Extensions from the date of initial expiration may be granted by the Planning Commission for a period of time to be specified by the Planning Commission. The developer shall present information explaining the reasons for the delay.

If an approved plan has expired, the developer may apply for approval under the procedures established for review of a new application for Master Development Plans.

7.3.14. Amendments.

A Master Development Plan may be amended by the Planning Commission, or, upon appeal, the City Council pursuant to the same procedures specified for initial approval. Amendment must be initiated more than six months prior to the expiration date of an approved plan. Submission requirements shall be as set by the Planning Director.

7.3.15. Transfer of a Master Development Plan.

Any Master Development Plan granted pursuant to the provisions of this Ordinance is transferable only by approval of the Planning Commission, following a public hearing. Approval of the transfer shall be based upon the finding of compliance with the conditions of approval of the Master Development Plan.

7.3.16. Related Decisions.

Applications for amendment of the Master Plan and/or any adopted Specific Plan or Amendment of the Zoning Ordinance text affecting policies or procedures for Waterfront development must be acted upon before application is processed for a Master Development Plan which depends upon such amendments.

Application for (a) Subdivisions and/or Land Divisions under the Subdivision Ordinance (b) reclassifications of land under the Zoning Ordinance, and (c) Use Permits, Variances, or Development Permits under the Zoning Ordinance may be acted upon concurrently with the application for a Master Development Plan if such actions are found consistent with the adopted Master Development Plan and all its conditions.

Applications for permits required by other City Ordinances may be considered and acted upon by the appropriate body concurrently but no rights granted through such approvals may be exercised until the Master Development Plan is approved, unless the Planning Director finds such actions are necessary to protect the public health and safety. Requirements for exactions and dedications must be met before construction permits are issued.

7.3.17. Approval of Subsequent Applications for Development Permits, Use Permits and Variances.

a. Unless alternative guidelines are provided in an approved Master Development Plan, an application for development of a subsequent phase of a Master Development Plan project will be deemed consistent if (a) the height and gross floor areas of the buildings are not more or less than in the approved Master Development Plan; (b) no building is relocated outside the general footprint of the building shown in the Master Development Plan (c) the character and mix of uses is not altered; and (d) parking is not increased or decreased.

b. If found consistent with the Master Development Plan, applications for Development Permits, Use Permits and Variances must comply with any adopted Specific Plan and/or any design review procedures. For purposes of this Ordinance a Development Permit is an application for which a Zoning Permit is required elsewhere in the City.

c. If found consistent with the Master Development Plan, in compliance with design review procedures, and no Use Permits or Variances are required, the Planning Director may issue Development Permits without a public hearing but with notification to the Planning Commission and City Council before issuance.

d. If found consistent with the Master Development Plan, any adopted Specific Plan and in compliance with design review procedures, the Planning Director shall refer applications for Use Permits and/or Variances to the Board of Adjustments for a public hearing.

Such applications shall be set for public hearing, notices sent, and heard as described in Chapters 19 and 20 of the Zoning Ordinance. To approve such applications, the Board of Adjustments shall find:

1. The applications are consistent with the Master Development Plan for the site; and

2. The applications are not, under the particular circumstances existing at the time at which the application is made, detrimental to the health, safety, peace, morals, comfort, and general welfare of the City as a whole or of persons residing or working in the neighborhood of such an application or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and

3. Where variances are applied for the findings of Section 19.7 of the Zoning Ordinance are met.

Decisions of the Board of Adjustments may be appealed to the City Council as described in Chapter 19.

7.4 Relationship of the Specific Plan to the California Environmental Quality Act.

A program level Environmental Impact Report (EIR) has been certified for the Master Plan Amendment and Specific Plan for the Berkeley waterfront, concerning the impacts of the uses allowed by the Plan. This EIR covers the impacts of a certain mix and level of development. If individual projects are within the prescribed level of development, and other uses consistent with the plan, then the environmental review process must address only the site-specific impacts of the project identified in the initial project review. All general impacts already addressed in the Master Plan Amendment/Specific Plan EIR should be included in the project EIR, if one is required, by reference.

All proposals for development on the Waterfront will be subject to project level review under CEQA, to address potential adverse impacts. This review will be conducted prior to the approval of a Master Development Plan or Zoning Permit. The following specific studies about seismic hazards and mitigations are to be done as part of this process:

1. A detailed seismic zonation study will be conducted for all areas proposed to be developed on the site. This study will include extensive additional borings to characterize the subsurface geology. The subsurface exploration will be accompanied by laboratory testing to describe the soil profile and physical parameters to bedrock and will include delineation of any buried stream channels. Seismic analysis, based on subsurface data, will include: dynamic site response analysis to account for earthquake loading, maximum accelerations, site period, and repeatable accelerations; and numerical slope stability analysis to assess the amount and location of expected deformations. Quantitative evaluation of ground motion will be for a seismic event of 7.0 (magnitude) on the Hayward Fault. The analysis will account for surface-fill layer motion above the refuse and dump fills, and horizontal shearing between various strata.

2. A site-specific geotechnical engineering investigation will be performed for areas proposed for development and for each proposed structure. Each investigation will contain adequate subsurface exploration and analysis to determine: short- and long-term settlement magnitudes, expected seismic groundshaking intensities and characteristics, and potential for seismic ground failure (including liquefaction). Each investigation will contain a sufficient number of borings to adequately delineate the extent and thickness of potentially liquefiable sand lenses beneath proposed development sites. Each investigation will contain detailed foundation recommendations for driven pile, drilled pier, and/or spread footing systems, and recommendations for seismic design of each structure using dynamic analysis, based on expected ground motion with a comfortable safety factor for ductility and energy absorption.

For all proposed fill-foundation systems, quantitative analysis will demonstrate their ability to withstand a 7.0 (magnitude) event emanating from the Hayward Fault. Experts from the Earthquake Engineering Research Center at U.C. Berkeley or their equivalent will be consulted to independently review seismic design of proposed fills, foundations and structures.

A supplemental EIR must be prepared on a development application if the project is substantially different from the mix, intensity or type of use described in the Specific Plan, or if new information about the impacts of the project becomes available after the EIR on the Master Plan Amendment/Specific Plan has been certified. If an EIR on a project application is required, the Planning and Community Development Department will serve as lead agency, and the applicant will pay the cost of the EIR.

7.5. Procedures for Amendment of the Specific Plan

Pursuant to Section 65453 of the California Government Code, a Specific Plan may be amended to follow the same adoption procedures as are used for a General Plan. However, a specific plan may be adopted by resolution or ordinance, and may be amended as often as deemed necessary by the City Council. If the City's Master Plan is amended so that the specific plan no longer conforms to it, the Specific Plan also must be amended. The Government Code requires that mandatory elements of the City's General Plan (Master Plan) may be amended no more than four times per calendar year, following referral to other government agencies and at least one public hearing before the Planning Commission. It is the policy of the City of Berkeley that any amendment of the Waterfront Plan, either the City's Master Plan or the Specific Plan, shall be considered only after full public hearings and review by the Planning Commission, other affected Commissions, and the City Council.

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John H. Denton
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Barbara Ann Lashley
Maudelle Shirek
Nancy Skinner

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Randolpn Hester
Mary Milos
Sharon Christal
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David Axelrod

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Virginia LeRoux
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Eugene Turitz
Ron Washington
Kristin Prentice

PROJECT AREA COMMITTEE

Lela Herbert
Hildur Kenoe
Dennis Hammond
Curtis Manning
Earlene Morant*
Celia Kulz*

* Former Commissioners

CITY STAFF RESPONSIBLE FOR WATERFRONT PLAN

City Manager's Office

Daniel Boggan, Jr. *
Hal Cronkite
Eve Bach

City Manager
Acting City Manager
Assistant to the City Manager

Planning and Community Development Department

Vicki Elmer
Marjorie Macris
Mary Reynolds
Sylvia Toth
Becky McLain
Gil Kelley
Miguel Iglesias
Norma Hennessey
Donna Ward
Deborah Shavers
Elaine Caldwell
Carol Duron

Assistant City Manager
Planning Director; Project Coordinator
Senior Planner
Secretary, Transportation Commission
Secretary, Project Area Committee
Environmental Review Coordinator
Associate Planner, Transportation
Graphic Designer
Supervising Clerk Typist
Intermediate Typist Clerk
Intermediate Typist Clerk
Intermediate Typist Clerk

Legal Department

Natalie West*
Manuela Albuquerque

City Attorney
City Attorney

Public Works Department

Brian Lee
Charles DeLeuw
William Montgomery
Charles Roberts

Assistant City Manager
Traffic Engineer
Chief, Parks/Marina Division
Secretary, Waterfront Commission

Health and Human Services

Frank Haeg
Weldon Rucker

Secretary, Parks and Recreation Commission
Secretary, Civic Arts Commission

* Former Employee

CONSULTANTS FOR WATERFRONT PLAN

PLANNING

ROMA Design Group
Anthony/Flening Associates
ESA (Environmental Science Associates)
McGuire and Company
PAD (Planning Analysis and Development)
Wilson-Porter

Prime Consultant
Community Involvement
Environmental Assessment
Market and Financial Analyses
Social Analyses
Engineering

SUPPLEMENTAL ANALYSES

ERA (Economics Research Associates)
Woodward-Clyde Consultants

Economic Analyses
Site Improvement Cost Estimates

LEGAL

Shute, Mihaly & Weinberger

ENVIRONMENTAL EVALUATION

Larry Seeman Associates, Inc.
Fehr & Peers Associates
Noole Coastal & Harbor Engineering
Teresa M. Burns
Rogers/Pacific

Prime Consultant
Transportation
Boat Center and Beach Study
Public Services and Utilities
Housing and Population

APPENDIX 1

REPORTS PREPARED FOR DEVELOPMENT OF THE BERKELEY WATERFRONT PLAN

Alternatives Description and Initial Evaluation Criteria, ROMA Design Group.
December 5, 1984

Summary of Opportunities and Constraints, Background Analyses, ROMA Design Group. January 28, 1985

Alternatives Description, Endorsed by City Council, ROMA Design Group.
January 29, 1985

Notes from Public workshops, Anthony/Fleming & Associates:

1. Economic Development and Employment. February 14, 1985
2. Housing. February 21, 1985
3. Conservation/Recreation and Open Space. March 14, 1985
4. Urban Design. March 7, 1985
5. Transportation & Community Facilities. March 14, 1985

Evaluation of Alternatives, ROMA Design Group. May 16, 1985

Report on Site Improvement Costs, Woodward-Clyde Consultants. July 5, 1985

Revised Preliminary conceptual Framework for Development of a Preferred Alternative, ROMA Design Group. July 15, 1985

Draft Preferred Alternative, ROMA Design Group. September 12, 1985

Fiscal and Employment Impacts of the Preferred Alternative, McGuire & Company. September, 1985

Economics of the Preferred for the Berkeley Waterfront Plan, Economics Research Associates. October, 1985

Interstate 80 Alternatives Analysis and the Traffic Implications of the Preferred Berkeley Waterfront Alternatives, DKS Associates. October, 1985

Revised Planning Level Cost Estimates Including Seismic and Foundation Factors, Preferred Alternative, Berkeley waterfront Development, Woodward-Clyde Consultants. December 5, 1985

Waterfront Development Potential Prior to Caltrans Freeway Improvements, DKS Associates. December 10, 1985

Revised Planning Level Cost Estimates, Berkeley Waterfront Development, Woodward-Clyde Consultants. January 2, 1986

Revised Preferred Alternative, ROMA Design Group. January 3, 1986

Draft Berkeley Waterfront Plan: Amendment to the City's Master Plan, Planning and Community Development Department. March 17, 1986

Draft Berkeley Waterfront Specific Plan, Planning and Community Development Department. April 1, 1986

Revised Draft Berkeley waterfront Plan: Amendment to the City's Master Plan, Planning and Community Development Department. May 9, 1986

Revised Draft Waterfront Specific Plan, Planning and Community Development Department. May 9, 1986

Draft Program Environmental Impact Report on the Berkeley waterfront Plan, Larry Seeman Associates, Inc. June 1986

ADOPTION OF GENERAL PLAN AMENDMENT AND SPECIFIC PLAN
FOR THE BERKELEY WATERFRONT

RECOMMENDED C.E.Q.A. FINDINGS

Upon review and consideration of the final Environmental Impact Report prepared for this project (Sch. No. 86032524), which was certified by this body on October 7, 1986, and upon consideration of the revisions to the proposed Master Plan Amendment and Specific Plan, both dated August, 1986, which were recommended by the final Environmental Impact Report to mitigate identified significant adverse effects on the environment, the City Council hereby finds the following, in accordance with Sections 21081 of the Public Resources Code and Sections 15091-15093 of the C.E.Q.A. Guidelines:

INCORPORATION OF MITIGATION MEASURES
WHICH AVOID OR SUBSTANTIALLY LESSEN
SIGNIFICANT ENVIRONMENTAL IMPACTS

1. Ground Settlement, Ground Shaking, and Methane Venting

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for damage to property and injury to persons from ground settlement, ground shaking and ignition of methane in the soil, which are identified in the EIR.

The EIR identifies the potential for differential ground settlement in the Meadow and the necessity for deep pile foundations for any structures located in the north meadow, the potential for lesser but still substantial differential settlement in the North Basin Strip and Stables areas, the potential for ground failure, in the event of earthquake, at the perimeter slopes along the Bay, and the potential for ignition or explosion of methane vapors in the soil, should the soil be covered without provision for adequate venting.

In the revised Specific Plan, development has been removed entirely from the Meadow area, strict requirements are placed on the design and construction of development in the North Basin Strip and Stables areas for protection from groundshaking and settlement, no development is permitted within 100 feet of the shoreline (200 feet where possible), and incorporation of special measures to insure adequate venting of subsurface methane are required of all development.

Some level of increased risk of property damage and injury due to seismic hazard would be unavoidable with waterfront development, even with the incorporation of the aforementioned revisions. Taken together with the other unavoidable impacts identified herein, the cumulative residual level of impact could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

2. Increases in Site-Generated Water Run-Off

Changes have been made in the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential to worsen storm drainage at the site, which is identified in the EIR.

The EIR identifies the potential for development on site to aggravate incrementally existing storm drain conditions. The Specific Plan requires construction of a new storm drain trunk line and the addition of a new outfall. Additionally, individual developments will be required to provide for constant positive drainage away from structures.

3. Exposure to Flooding

Changes have been made in the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for damage to property and injury to persons from flooding, which is identified in the EIR.

The EIR identifies the potential for the site to be exposed to inundation from the 100-year tsunami run up at high tide, and be exposed to additional incremental flooding if sea levels rise four feet over the next century, as predicted.

The revised Specific Plan requires the development to be located above the 100-year tsunami level, including placement of fill, as necessary, and taking fill settlement into account. Protection from anticipated 500-year flood levels from sea level changes is to be addressed in all on-site flood protection planning, including the possibility of constructing perimeter levies.

Some level of flooding hazard due to tsunami and long term sea level increases is unavoidable with waterfront development, even with the incorporation of the aforementioned revisions. Taken together with the other unavoidable impacts identified herein, the cumulative residual level of adverse impact could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

4. Increased Discharge of Contaminants into the Bay

Changes have been made in the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for damage to property and injury to persons from discharging contaminants into the Bay, which is identified in the EIR.

The EIR identifies the potential for development on the site to add typical urban contaminants into the site water run-off, and further identifies the potential for leachate-related water quality impacts associated with the previous filling of the site, and with the possible daylighting of Strawberry Creek.

The revised Specific Plan includes numerous provisions for controlling discharge of contaminants into the Bay, including: installation of greenbelts, porous paving and other landscaping measures, regular cleaning of streets and catch basins, requiring all development proposals to be reviewed by the Regional Water Quality Control Board for determination of proper leachate control measures, and a prioritization and acceleration by the City of community-wide sanitary sewer system requirements identified by the East Bay Infiltration and Inflow Correction Program.

5. Increased Human Contact with Poor Quality Water

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for human contact with poor quality water, which is identified in the EIR.

The EIR identifies the potential for recreational development and increased human activity at the waterfront to increase human contact with poor quality water in the bay and in Strawberry Creek, should that creek be daylighted.

The Specific Plan makes development of beach and recreation facilities at the Berkeley Beach, South Basin and North Basin contingent upon demonstration of satisfactory water quality with Regional Water Quality Control Board review required. Daylighting of Strawberry Creek is not recommended in the plan.

Some level of impact, in terms of subjecting small boat center and beach users to poor quality water, is unavoidable prior to implementation of all of the off-site pollution control measures and the East Bay Infiltration/Inflow Connection Program recommendations, even with incorporation of all of the other revisions. Taken together with the other unavoidable impacts identified herein, the cumulative residual level of adverse impact could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

6. Loss of Biological Resources

Changes have been made in the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for loss or disturbance of certain biological resources, including seasonal ponds and tidal areas, which are identified in the EIR.

The EIR identifies the potential for seasonal ponds to be developed (eliminated) depending upon the placement of recreation facilities, the potential for placement of Bay fill for construction of piers, the potential for fill placement in the intertidal zone for construction of the Berkeley Beach or North Basin Beach, and the potential for development of external vegetation in the North Basin strip.

The Specific Plan prohibits filling of the Bay for any purpose other than beach fill south of the Brickyard or small amounts of fill for stabilization of public access areas, prohibits development of wetlands in tidal or marsh habitats, requires sealing of the bottom seasonal ponds to increase the amount of time water is present, requires replacement of any seasonal ponds lost to development, requires enhancement of creekside areas where creeks are daylighted, and requires replanting of disturbed areas such as the North Basin strip with drought-resistant plants.

Some level of loss of seasonal ponds and other biological resources is unavoidable with waterfront development, even with incorporation of the aforementioned revisions. Although by itself this impact is not significant, when taken together with the other unavoidable impacts, the cumulative residual level of adverse impact could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

7. Intensification of Land Uses and Values

Changes have been made in the Master Plan and Specific Plan which avoid or substantially lessen the potential intensification of land uses and values in nearby areas, which are identified in the EIR.

The EIR identifies the potential for the investment of public and private funds at the waterfront to increase the value of nearby parcels, resulting in increased rents for existing uses and pressure for conversion to more intensive uses, and the potential for development at the waterfront to limit visual and physical access to the shoreline, particularly in the North Basin strip.

The Specific Plan has been revised to require the phasing of new development at the waterfront, to allow time to increase the City's housing supply and reduce pressures on the cost of housing. This is coupled with the provision for agreements between the waterfront developers and the City to provide funds for the development and preservation of affordable housing in Berkeley. The revised Specific Plan also requires the Cedar Street right-of-way across the North Basin strip to be dedicated for public access.

8. Changes in the Visual Quality of the Waterfront

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for detrimental changes in the visual quality of the waterfront, which are identified in the EIR.

The EIR identifies the potential for development at the waterfront to alter and obstruct views to, from, and across the site, and give the waterfront the appearance of a more urbanized setting.

The Specific Plan has been revised to remove development from the East Meadow (near the entrance to the site), if possible under the Phase I development plan, to require the clustering of development along the North Basin strip to retain view corridors at Gilman, Cedar and Virginia Streets, and to enact various design requirements which concern building setbacks, bulk, siting and landscape design. The Specific Plan has also been revised to add the requirements for Design Review for any waterfront development.

Some alteration of the visual character of the waterfront is unavoidable with waterfront development, even with the incorporation of the aforementioned revisions. Taken together with the other unavoidable impacts identified herein, the cumulative residual level of adverse impact could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

9. Potential to Uncover Archaeological Resources

Changes have been made in the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for damage to subsurface archaeological resources uncovered during site preparation for development, which are identified in the EIR.

The EIR identifies the potential for archaeological resources to be uncovered during excavation, although none are presently known to be at the site. The Specific Plan would require work to be stopped if archaeological materials are encountered during project excavation and construction work, and require examination by a professional archaeologist before work could recommence.

10. Increases in Traffic Congestion

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for traffic congestion on local roads and intersections, which are identified in the EIR.

The EIR identifies the potential for waterfront development, in combination with other future anticipated development in Berkeley and nearby communities to increase peak hour congestion at the University Avenue/Sixth Street and University Avenue/San Pablo Avenue intersections. The EIR shows that these intersections, as presently configured, will be over capacity by the year 2010, with or without waterfront development.

The revised Master Plan Amendment and Specific Plan require the freeway interchanges and affected local intersections, including University/Sixth and University/San Pablo, to be upgraded in specific configurations. These configurations are designed to achieve acceptable levels of service.

The revised Master Plan Amendment and Specific Plan also place requirements on developments to increase access to public transit, increase auto occupancy, provide for bicycle facilities, and enact other alternative transportation measures.

Additionally, the EIR identifies the potential for regional growth, including development at the Berkeley Waterfront, to exhaust the capacity of the East Bay I-80 corridor and the University, Ashby, and Gilman freeway ramps, even with the improvements currently being planned by CalTrans.

This additional area of impact cannot be mitigated by implementation of local measures which are within the control of the City of Berkeley. The EIR shows that these impacts are regionally-generated and would occur even if no development were to occur on the Berkeley waterfront. To potentially mitigate this regional problem, the revised Master Plan Amendment calls for the cities of Berkeley, Albany, and Emeryville to establish a joint sub-regional growth management system which would minimize congestion through phased development.

Some level of regional and local traffic impact is unavoidable with waterfront development, even with incorporation of the aforementioned revisions. This residual impact, particularly when taken with other unavoidable impacts identified herein, could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

11. Necessity to Alter Local Transit Routes

Changes have been made to the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for adverse affects on the local transit (bus) service, which are identified in the EIR.

The EIR identifies the potential for development at the water to necessitate AC Transit to alter its current routes and increase service to the waterfront. The revised Master Plan Amendment and Specific Plan limit development at the waterfront, so that the number of buses in operation would not need to be significantly increased, although routes would need to be altered. The revised plans also call for major developments (hotels) to provide for shuttle serve to airports, BART and downtown.

12. Increases in Local Air Emissions

Changes have been made to the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for adverse affects of increased local air emissions, which are identified in the EIR.

The EIR identifies the potential for development at the Waterfront and in the region to cause localized "hot spots" in air emissions due to increased traffic volumes, particularly on I-80, which could adversely affect waterfront users. Also, the potential exists for considerable quantities of dust to be generated during site grading and construction.

The revised Master Plan Amendment and Specific Plan include several measures which would substantially lessen the impact of these air emissions on waterfront users, including: creation of a buffer zone between development/public access and the freeway, orientation of buildings, provision of dense landscaping to provide sheltered areas, and the requirement for an approved dust control program prior to excavation and construction.

Some increase in the potential for localized "hot spots" in air emissions from increased traffic is unavoidable with waterfront and regional development, even with the aforementioned revisions. This residual impact, particularly when taken with the other unavoidable impacts identified herein, could be significant. Therefore, this residual impact is addressed in the Statement of Overriding Considerations included herein.

13. Exposure to Increased Noise Levels

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for exposure of waterfront users to excessive noise, as identified in the EIR.

The EIR identifies the potential for development of the North Basin Strip to be subject to noise from traffic, and for users of the Berkeley Beach and Brickyard areas to be exposed to freeway noise in excess of 70 dBA (CNEL).

The revised Specific Plan requires buildings in the North Basin Strip to be set back from the freeway and local roadway, and structural noise controls to be designed into these structures; exterior courtyards would face away from the freeway. Additionally, a noise berm or sound insulating wall would be created adjacent to the freeway to reduce noise levels in the Berkeley Beach and Brickyard areas.

14. Pressure to Increase the Local Population and Housing Demand

Changes have been made to the Master Plan Amendment and Specific Plan which avoid or substantially lessen the potential for adverse effects of the increased population and housing demand which would accompany new development at the waterfront, which are identified in the EIR.

The EIR identifies the potential for new development at the Waterfront to create pressure for increases in local population and housing demand. The Master Plan Amendment and Specific Plan incorporate three features which will substantially reduce this pressure: requiring new developments to comply with construction and permanent employment programs of the City which give preference to Berkeley residents in hiring, requiring new developments to pay housing mitigation fees which are to be used for preservation and development of the local (off-site) housing stock, and requiring development to be phased to allow time to increase the local housing supply.

15. Necessity to Improve Public Services and Utilities

Changes have been incorporated into the Master Plan Amendment and Specific Plan which avoid or substantially lessen the necessity to improve existing public service and utility systems, which are identified in the EIR.

The EIR identifies the potential for waterfront development to require major improvements to existing utility systems, and expansion of public services, with the added potential of costs falling on the City and public. Included are improvements for water supply, sewage collection, storm drainage, solid waste collection, roads and other public works maintenance and part development and maintenance.

The Master Plan Amendment and Specific Plan would require a phased implementation of these improvements, with the preponderance of costs falling on the developments, through impact fees, assessment districts, and other development fees.

REASONS FOR REJECTION OF ALTERNATIVES

The Council finds that specific economic considerations render infeasible the two less intensive waterfront alternatives identified in the EIR, the "no project" and "reduced" (Sierra Club) alternatives, which would have involved less significant adverse environmental impact than the Master Plan Amendment and Specific Plan adopted by Council. The Council finds that because the 170-acre waterfront site is privately owned, and because the levels of development identified for the no-project and lower-intensity alternatives maybe insufficient to allow the private owner to realize a reasonable use of its property, based on information and facts available to the Council at the time of the final EIR, these two alternatives do not appear feasible.

The Council further finds that the two more intensive alternatives identified in the EIR, the "Santa Fe" and "Full Build-out" alternatives would have involved greater adverse environmental impact than the Master Plan Amendment and Specific Plan adopted by Council. The Council finds that these two alternatives would involve levels of environmental impact which are unacceptable and which cannot be adequately mitigated, and that these alternatives would detract from the open space and character which is desired for the waterfront.

STATEMENT OF OVERRIDING CONSIDERATIONS

The EIR identifies eight areas of impact which would result from development of the waterfront and which are unavoidable, i.e. which cannot be fully mitigated, even with implementation of the mitigation measures which have been incorporated into the revised Master Plan Amendment and Specific Plan.

Although these impacts have been substantially lessened through these mitigations, the Council finds that the residual level of adverse impact in these areas will still be significant, particularly when taken altogether, and accordingly finds it necessary to consider weighing the social and economic benefits of waterfront development under these plans against the unavoidable adverse environmental impacts which will result. These findings are made pursuant to Section 21081 of the Public Resources Code and Section 15093 of the C.E.Q.A. Guidelines.

In considering the potential benefits of waterfront development under these plans, the Council finds that these benefits are substantial and include the following: 1) provides the orderly development of waterfront uses which will support recreational use, and also complement and enhance the City's character; 2) provides the level and type of developed uses which will enable the City to provide the open space, recreational facilities, and environmental enhancement measures that will enable the waterfront's unique environment to be enjoyed by all of Berkeley's citizens; and 3) provides an economic benefit to the community in terms of increased job opportunities and municipal revenues. In consideration of the foregoing, the Council finds that these benefits outweigh the level of environmental impact in the eight specified areas.

RESOLUTION NO.

ADOPTING SPECIFIC PLAN TO IMPLEMENT THE WATERFRONT PLAN OF THE MASTER PLAN.

BE IT RESOLVED by the Council of the City of Berkeley as follows:

WHEREAS, the Berkeley Waterfront is an area of prime importance to the Bay Area and the City, because it is the connection between Berkeley and San Francisco Bay; and

WHEREAS, the Berkeley Waterfront area as defined herein consists of the 170 acres of privately-held lands bounded by the Interstate 80 freeway on the east, the Berkeley Marina on the west, and the Albany and Emeryville City limits on the north and south; and

WHEREAS, the City has been engaged in a planning process for the Waterfront since January 1984, including collection of data, definition and evaluation of alternatives, and preparation of several revisions of a Preferred Alternative; and

WHEREAS, the City has allocated approximately \$500,000 for consultant work and staff time for the development of a Waterfront Plan, including contributions from the property owner and the State, as well as the City; and

WHEREAS, each step of the planning process has been subject to extensive public discussions and hearings; and

WHEREAS, the Planning Commission and the City Council have held public hearings as called for in the Master Plan Ordinance, and

WHEREAS, an Environmental Impact Report has been prepared, which evaluates the environmental impacts associated with development of the Waterfront including development under several alternative scenarios; and

WHEREAS, the Environmental Impact Report identifies several areas of potentially significant adverse environmental impact which can be avoided or substantially lessened by changes in the Waterfront Plan Amendment to the Berkeley Master Plan, including 1) ground settlement, ground shaking and methane venting from the soil; 2) increase in site-generated water run-off; 3) exposure to flooding hazards; 4) increased discharge of contaminants into the Bay; 5) increased human contact with poor quality waters; 6) loss of or disturbance of certain biological resources on the site, including seasonal ponds and tidal areas; 7) intensification of land uses at and around the site, itself with corresponding increases in surrounding land values and rents; 8) limitation of visual access to the shoreline from Interstate 80 and a change in the visual quality of the site itself; 9) the potential for uncovering archaeological resources during site improvement; 10) increase in traffic and congestion on Interstate 80, local freeway ramps, and local streets; 11) necessity for alteration of local transit routes; 12) increase in local air emissions due to increased traffic, and temporarily due to construction activity; 13) increase of noise levels due to traffic increases, and exposure of certain new uses to noise levels in excess of 70 dba (CNEL); 14) pressure to increase both the Berkeley population and demand for housing; and 15) necessity of improved public services and utility systems; and

WHEREAS, the Environmental Impact Report identifies eight areas of unavoidable significant adverse impacts which would result from development of the Waterfront, including: 1) increased risk of property damage and injury due to seismic hazard; 2) exposure of development to flooding

hazards of the 100-year tsunami, high tide and long-term sea level increases; 3) exposure of users of the beach and small boat basin to health hazards related to poor water quality, for that period of time prior to implementation of off-site pollution control measures and the East Bay Infiltration and Inflow Connection Program recommendations; 4) loss of some vegetation and wildlife habitat, including seasonal ponds; 5) alteration of the visual character of the site by converting undeveloped land to new urban uses; 6) increasing of the already-unacceptable level of congestion on Interstate 80 and at the University Avenue and Gilman Street ramps, due to inadequate capacity; 7) creation of localized high levels of carbon monoxide and other pollutants, which would exceed existing background levels, as a result of increased traffic; and 8) loss of a portion of the limited and non-renewable regional supply of lands identified in the Association of Bay Area Governments Regional Plan policies as offering regionally significant recreational opportunities because of size, accessibility to disadvantaged groups, or unique or specialized recreation potential; and

WHEREAS, the City has amended its Master Plan for the Waterfront in compliance with State law for general plans; and

WHEREAS, the State Planning Law provides that cities may adopt Specific Plans to set forth detailed regulations to implement general plans; and

WHEREAS, the Specific Plan for the Berkeley Waterfront is consistent with the Berkeley Master Plan Amendment for the Waterfront,

NOW, THEREFORE, Be it Resolved that the City Council has reviewed and considered the information contained in the certified Final EIR prior to

adopting the Specific Plan to implement the Waterfront Plan of the Berkeley Master Plan; and

BE IT FURTHER RESOLVED that the City Council finds, in accordance with the written findings attached hereto and made a part hereof as Exhibit A, that certain potentially significant adverse effects of development of the Waterfront have been avoided or substantially lessened due to changes in the Waterfront Plan Amendment to the Berkeley Master Plan or Specific Plan to implement the Waterfront Plan of the Berkeley Master Plan; and

BE IT FURTHER RESOLVED that the City Council finds, in accordance with the written findings attached hereto as a statement of overriding consideration, that specific remaining significant effects upon the environment, which are unavoidable, are acceptable due to overriding concerns which balance the benefits of the proposed Waterfront development against its unavoidable environmental risks; and

BE IT FINALLY RESOLVED that the City Council adopts the Specific Plan to implement the Waterfront Plan of the Berkeley Master Plan, attached hereto and made a part hereof, identified as Exhibit B.

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